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INTER-AMERICAN RELATIONS

A Collection of Documents, Legislation, Descriptions of Inter-American Organizations, and Other Material Pertaining to Inter-American Affairs

REPORT

PREPARED FOR THE USE OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

AND

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

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LETTER OF TRANSMITTAL

CONGRESS OF THE UNITED STATES,
December 6, 1988.

Hon. ROBERT C. BYRD,
U.S. Senate,
Hon. JIM WRIGHT,
U.S. House of Representatives,
Washington, DC.

DEAR SENATOR BYRD AND REPRESENTATIVE WRIGHT: It is with great pleasure that we submit *Inter-American Relations,* a collection of documents and other materials pertaining to United States policy towards Latin America and the Caribbean. It is a comprehensive single source of current and important reference material designed to provide the Members of the Committee on Foreign Relations and the Committee on Foreign Affairs, as well as all Members of Congress, with information on United States relations with the nations of the region.

The material contained herein was selected, compiled, and organized by Larry Storrs, Robert Sanchez, and Winston Woodland of the Congressional Research Service, Library of Congress, under the guidance of the professional staff of the Committee on Foreign Relations and the Committee on Foreign Affairs.

This document will prove to be as valuable as the previously published volumes, namely: U.S. Congress, House of Representatives, Committee on Foreign Affairs. *Regional and Other Documents Concerning United States Relations with Latin America,* 89th Congress, 2d Session. Washington, U.S. Government Printing Office, 1966; *Inter-American Relations: A Collection of Documents, Legislation, Descriptions of Inter-American Organizations, and Other Material Pertaining to Inter-American Affairs,* 92d Congress, 2d Session, October 10, 1972; and the similarly titled document published in November 1973 by the 93d Congress, 1st Session.

Sincerely,

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations.

JESSE HELMS,
Ranking Member, Committee on Foreign Relations.

CHRISTOPHER J. DODD,
Chairman, Subcommittee on Western Hemisphere and Peace Corps Affairs.

DICK LUGAR,
Ranking Member, Subcommittee on Western Hemisphere and Peace Corps Affairs.

Dante B. Fascell,
Chairman, Committee on Foreign Affairs.
Bill Broomfield,
Ranking Member, Committee on Foreign Affairs.
George W. Crockett, Jr.,
Chairman, Subcommittee on Inter-American Affairs.
Robert J. Lagomarsino,
Ranking Member, Subcommittee on Inter-American Affairs.

LETTER OF SUBMITTAL

Hon. **Claiborne Pell,**
Chairman, Committee on Foreign Relations, U.S. Senate.
Hon. **Dante B. Fascell,**
Chairman, Committee on Foreign Affairs,
U.S. House of Representatives, Washington, DC.

Dear Messrs. Chairmen: I am pleased to submit the attached compilation of documents on inter-American affairs, in response to the request of the Senate Foreign Relations Committee, joined by the House Foreign Affairs Committee. The compilation is an update of *Inter-American Relations: A Collection of Documents, Legislation, Descriptions of Inter-American Organizations, and Other Material Pertaining to Inter-American Affairs,* prepared by the Foreign Affairs and National Defense Division and printed for the use of the Committee on Foreign Affairs in 1973. The updated compilation was prepared in the Foreign Affairs and National Defense Division, by K. Larry Storrs, Robert E. Sanchez, and C. Winston Woodland.

Sincerely,

Joseph E. Ross,
Director.

Enclosure.

PREFACE

This compilation brings together a selective collection of documents, legislation, and other material on inter-American relations. While it contains material on the origins and evolution of the inter-American system, the emphasis is on historically important documents in the post-WWII era, with increasing completeness in recent years, particularly in the sections covering U.S. legislation. The material is generally current through the end of 1988.

Readers interested in keeping up to date on the legislation and treaties cited in the collection may consult two annual publications:

For U.S. legislation, the reader may refer to *Legislation on Foreign Relations,* published yearly in 4–5 volumes by the House Foreign Affairs Committee and the Senate Foreign Relations Committee. Compiled by the Congressional Research Service, these volumes are available for sale through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The latest version, *Legislation on Foreign Relations Through 1988,* is Senate Print 101–5.

For the status of treaties to which the United States is a party, the reader may consult *Treaties in Force,* compiled and published by the U.S. Department of State, and also available for sale through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The latest version, *Treaties in Force: A List of Treaties and Other International Agreements of the United States in Force on January 1, 1988,* is Department of State Publication 9433.

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INTER-AMERICAN RELATIONS

I. MAJOR INTER-AMERICAN TREATIES AND AGREEMENTS

A. Inter-American Treaty of Reciprocal Assistance (Rio Treaty), 1947[1]

In the name of their Peoples, the Governments represented at the Inter-American Conference for the Maintenance of Continental Peace and Security, desirous of consolidating and strengthening their relations of friendship and good neighborliness, and

CONSIDERING:

That Resolution VIII of the Inter-American Conference on Problems of War and Peace[2] which met in Mexico City, recommended the conclusion of a treaty to prevent and repel threats and acts of aggression against any of the countries of America;

That the High Contracting Parties[2] reiterate their will to remain united in an inter-American system consistent with the purposes and principles of the United Nations, and reaffirm the existence of the agreement which they have concluded concerning those matters relating to the maintenance of international peace and security which are appropriate for regional action;

That the High Contracting Parties reaffirm their adherence to the principles of inter-American solidarity and cooperation, and especially to those set forth in the preamble and declarations of the Act of Chapultepec, all of which should be understood to be accepted as standards of their mutual relations and as the juridical basis of the Inter-American System;

That the American States propose, in order to improve the procedures for the pacific settlement of their controversies, to conclude the treaty concerning the "Inter-American Peace System" envisaged in Resolutions IX and XXXIX of the Inter-American Conference on Problems of War and Peace;[3]

That the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals and to their will to cooperate permanently in the fulfillment of the principles and purposes of a policy of peace;

That the American regional community affirms as a manifest truth that juridical organization is a necessary prerequisite of security and peace, and that peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security,

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[1] Opened for Signature at Rio de Janeiro September 2. 1947; Ratification Advised by the Senate of the United States of America December 8. 1947; Ratified by the President of the United States of America December 12, 1947; Ratification of the United States of America Deposited With the Pan American Union December 30, 1947; Proclaimed by the President of the United States of America December 9. 1948; Entered into Force December 3, 1948. Ratified by Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States of America, Uruguay, and Venezuela.

[2] Treaties and Other International Acts Series 1543; 60 Stat. 1831.

[3] *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, February 21–March 8, 1945*, Department of State publication 2497, p. 107.

Have resolved, in conformity with the objectives stated above, to conclude the following Treaty, in order to assure peace, through adequate means, to provide for effective reciprocal assistance to meet armed attacks against any American State, and in order to deal with threats of aggression against any of them:

ARTICLE 1

The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty.

ARTICLE 2

As a consequence of the principle set forth in the preceding Article, the High Contracting Parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavor to settle any such controversy among themselves by means of the procedures in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations.

ARTICLE 3

1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

3. The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security.

ARTICLE 4

The region to which this Treaty refers is bounded as follows: beginning at the North Pole; thence due south to a point 74 degrees north latitude, 10 degrees west longitude; thence by a rhumb line to a point 47 degrees 30 minutes north latitude, 50 degrees west longitude; thence by a rhumb line to a point 35 degrees north latitude, 60 degrees west longitude; thence due south to a point in 20 degrees north latitude; thence by a rhumb line to a point 5 degrees north latitude, 24 degrees west longitude; thence due south to the South Pole; thence due north to a point 30 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point on the Equator at 97 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 120 degrees west longitude; thence by a rhumb line to a point 50 degrees north latitude 170 degrees east longitude; thence due north to a point in 54 degrees north latitude; thence by a rhumb line to a point 65 degrees 30 minutes north latitude; 168 degrees 58 minutes 5 seconds west longitude; thence due north to the North Pole.

ARTICLE 5

The High Contracting Parties shall immediately send to the Security Council of the United Nations, in conformity with Articles 51 and 54 of the Charter of the United Nations, complete information concerning the activities undertaken or in contemplation in the exercise of the right of self-defense or for the purpose of maintaining inter-American peace and security.

ARTICLE 6

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

ARTICLE 7

In the case of a conflict between two or more American States, without prejudice to the right of self-defense in conformity with Article 51 of the Charter of the United Nations, the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the *status quo ante bellum*, and shall take in addition all other necessary measures to reestablish or maintain inter-American peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meetings may agree upon.

ARTICLE 8

For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radio telegraphic communications; and use of armed force.

ARTICLE 9

In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

a. Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;

b. Invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State.

ARTICLE 10

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the High Contracting Parties under the Charter of the United Nations.

ARTICLE 11

The consultations to which this Treaty refers shall be carried out by means of the Meetings of Ministers of Foreign Affairs of the American Republics which have ratified the Treaty, or in the manner or by the organ which in the future may be agreed upon.

ARTICLE 12

The Governing Board of the Pan American Union may act provisionally as an organ of consultation until the meeting of the Organ of Consultation referred to in the preceding Article takes place.

ARTICLE 13

The consultations shall be initiated at the request addressed to the Governing Board of the Pan American Union by any of the Signatory States which has ratified the Treaty.

ARTICLE 14

In the voting referred to in this Treaty only the representatives of the Signatory States which have ratified the Treaty may take part.

ARTICLE 15

The Governing Board of the Pan American Union shall act in all matters concerning this Treaty as an organ of liaison among the Signatory States which have ratified this Treaty and between these States and the United Nations.

ARTICLE 16

The decisions of the Governing Board of the Pan American Union referred to in Articles 13 and 15 above shall be taken by an absolute majority of the Members entitled to vote.

ARTICLE 17

The Organ of Consultation shall take its decisions by a vote of two-thirds of the Signatory States which have ratified the Treaty.

ARTICLE 18

In the case of a situation or dispute between American States, the parties directly interested shall be excluded from the voting referred to in two preceding Articles.

ARTICLE 19

To constitute a quorum in all the meetings referred to in the previous Articles, it shall be necessary that the number of States represented shall be at least equal to the number of votes necessary for the taking of the decision.

ARTICLE 20

Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent.

ARTICLE 21

The measures agreed upon by the Organ of Consultation shall be executed though the procedures and agencies now existing or those which may in the future be established.

ARTICLE 22

This Treaty shall come into effect between the States which ratify it as soon as the ratifications of two-thirds of the Signatory States have been deposited.

ARTICLE 23

This Treaty is open for signature by the American States at the city of Rio de Janeiro, and shall be ratified by the Signatory States as soon as possible in accordance with their respective constitutional processes. The ratifications shall be deposited with the Pan American Union, which shall notify the Signatory States of each deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE 24

The present Treaty shall be registered with the Secretariat of the United Nations through the Pan American Union, when two-thirds of the Signatory States have deposited their ratifications.

ARTICLE 25

This Treaty shall remain in force indefinitely, but may be denounced by any High Contracting Party by a notification in writing to the Pan American Union, which shall inform all the other High Contracting Parties of each notification of denunciation received. After the expiration of two years from the date of the receipt by the Pan American Union of a notification of denunciation by any High Contracting Party, the present Treaty shall cease to be in force and with respect to such State, but shall remain in full force and effect with respect to all the other High Contracting Parties.

ARTICLE 26

The principles and fundamental provisions of this Treaty shall be incorporated in the Organic Pact of the Inter-American System.

In witness whereof, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Treaty on behalf of their respective Governments, on the dates appearing opposite their signatures.

Done in the city of Rio de Janeiro, in four texts respectively in the English, French, Portuguese and Spanish languages, on the second of September nineteen hundred forty-seven.

RESERVATION OF HONDURAS (INCLUDED AT THE END OF THE TREATY)

The Delegation of Honduras, in signing the present Treaty and in connection with Article 9, section (b), does so with the reservation that the boundary between Honduras and Nicaragua is definitely demarcated by the Joint Boundary Commission of nineteen hundred and nineteen hundred and one, starting from a point in the Gulf of Fonseca, in the Pacific Ocean, to Portillo de Teotecacinte and, from this point to the Atlantic, by the line that His Majesty the King of Spain's arbitral award established on the 23d of December 1906.

RESERVATION MADE BY GUATEMALA AT THE TIME OF RATIFYING THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE AND ACCEPTED BY THE OTHER CONTRACTING STATES

"The present Treaty constitutes no impediment preventing Guatemala from asserting its rights with respect to the Guatemalan territory of Belize by any means which it may deem most advisable; and this Treaty may be invoked at any time by the Republic with respect to the aforementioned territory."

(The Government of Guatemala under date of September 1, 1954, made a formal declaration to the effect that such reservation is not intended to constitute any alteration of the Inter-American Treaty of Reciprocal Assistance and that Guatemala is disposed to act always within the limits of the international agreements which it has accepted.)

OTHER RESERVATIONS OR STATEMENTS SUBMITTED WITH INSTRUMENTS OF RATIFICATION

Statement of Ecuador:

The Republic of Ecuador signs this Inter-American Treaty of Reciprocal Assistance without reservation, because it understands that other instruments and the principles of international law do not obstruct the revision of treaties, whether by agreement between the Parties or by the other peaceful means sanctioned by international law itself.

Reservation of Nicaragua:

The Delegate of Nicaragua, on signing the present Treaty, and in connection with the reservation made by the Delegation of Honduras when signing it, and with the provisions of article 9, paragraph b, does so with the reservation that the frontier between Nicaragua and Honduras is not definitively demarcated, from the point known as Portillo de Teotecacinte to the Atlantic Ocean, by reason of the Royal Award enunciated by His Majesty the King of Spain on the twenty-third day of December of the year One Thousand Nine Hundred and Six having been impugned and protested by Nicaragua as nonexistent, null and void. Consequently, the signing of this Treaty by Nicaragua shall not be alleged as an acceptance of any arbitral decisions which Nicaragua has impugned and the validity of which has not been determined.

STATEMENTS MADE AS PART OF THE FINAL ACT OF THE RIO CONFERENCE IN CONNECTION WITH THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE

Statement of Argentina:

The Argentine Delegation declares that within the waters adjacent to the South American Continent, along the coasts belonging to the Argentine Republic in the Security Zone, it does not recognize the existence of colonies or possessions of European countries and it adds that it especially reserves and maintains intact the legitimate titles and rights of the Argentine Republic to the Falkland (Malvinas) Islands, the South Georgia Islands, the South Sandwich Islands, and the lands included in the Argentine Antarctic sector, over which the Republic exercises the corresponding sovereignty.

Statement of Guatemala:

Guatemala wishes to place on record that it does not recognize any right of legal sovereignty of Great Britain over the territory of Belize, called British Honduras, included in the Security Zone, and that once again, it expressly reserves its rights, which are derived from the Constitution of the Republic, historical documents, juridical arguments and principles of equity which have on appropriate occasions been laid before the universal conscience.

Statement of Mexico:

Only because the Delegation of Guatemala has seen fit to make the preceding declaration, the Delegation of Mexico finds it necessary to reiterate that, in case there should occur a change in the status of Belize, there cannot fail to be taken into account the rights of Mexico to a part of the said territory, in accordance with historical juridical precedents.

Statement of Chile:

The Delegation of Chile declares that, within the waters adjacent to the South American Continent, in the extension of coast belonging to the Republic of Chile, comprised within the Security Zone, it does not recognize the existence of colonies or possessions of European countries and it adds that it specially reserves and maintains intact the legitimate title and rights of the Republic of Chile to the lands included in the Chilean Antarctic zone, over which the Republic exercises the corresponding sovereignty.

Statement of the United States of America:

With reference to the reservations made by other Delegations concerning territories located within the region defined in the Treaty, their boundaries, and questions of sovereignty over them, the Delegation of the United States of America wishes to record its position that the Treaty of Rio de Janeiro has no effect upon the sovereignty, national or international status of any of the territories included in the region defined in Article 4 of the Treaty.

Inter-American Treaty of Reciprocal Assistance
(Rio Treaty)*

SIGNATORY COUNTRIES	DEPOSIT OF RATIFICATION			
Argentina	21	August	1950	
Bahamas	24	November	1982	1/
Bolivia	26	September	1950	
Brazil	25	March	1948	
Chile	9	February	1949	
Colombia	3	February	1948	
Costa Rica	3	December	1948	
Cuba	9	December	1948	
Dominican Republic	21	November	1947	
Ecuador	7	November	1950	2/
El Salvador	15	March	1948	
Guatemala	6	April	1955	3/
Haiti	25	March	1948	
Honduras	5	February	1948	4/
Mexico	23	November	1948	
Nicaragua	12	November	1948	5/
Panama	12	January	1948	
Paraguay	28	July	1948	
Peru	25	October	1950	
Trinidad and Tobago	12	June	1967	6/
United States	30	December	1947	
Uruguay	28	September	1948	
Venezuela	4	October	1948	

All states listed herein signed the Treaty on September 2, 1947, with exception of those indicated in the notes.

1/ Signed November 8, 1982 at Rio de Janeiro

2/ Signed November 10, 1949 at Rio de Janeiro; declaration made at the time of ratification, with the declaration made at the time of signature

3/ Reservation made at the time of ratification

4/ Reservation made at the time of ratification, with the reservation made at the time of signature

5/ Signed October 15, 1948; reservation made at the time of ratification, with the reservation made at the time of signature

6/ Signed April 6, 1967 at Rio de Janeiro

*Source: Inter-American Treaties and Conventions, Treaty Series No. 9, General Secretariat, OAS, Washington, D.C.
Entry into Force: December 3, 1948, in accordance with Article 22 of the Treaty

Protocol of Amendment to the Inter-American Treaty of Reciprocal Assistance, 1975 (Not in Force)

PROTOCOL OF AMENDMENT TO THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (RIO TREATY)

PREAMBLE

The High Contracting Parties represented at the Conference of Plenipotentiaries, meeting in the city of San José, Costa Rica, upon convocation by the Fifth Regular Session of the General Assembly of the Organization of American States, for the purpose of taking decisions on the amendments to the Inter-American Treaty of Reciprocal Assistance presented by the Special Committee to Study the Inter-American System and to Propose Measures for Restructuring It; of revising and coordinating the texts; and of preparing a Protocol of Amendment to that Treaty and signing it;

CONSIDERING:

That the High Contracting Parties are motivated by the desire to consolidate and strengthen their friendly relations, to ensure peace among the American States and to defend their sovereignty, their territorial integrity and their political independence;

That it is essential that peace and security among the American nations be guaranteed by an instrument that is in accordance with the history and principles of the Inter-American System;

That the High Contracting Parties wish to reiterate their will to remain united in an inter-American System consistent with the purposes and principles of the United Nations, and their steadfast decision to maintain regional peace and security through the prevention and settlement of conflicts and disputes that could endanger them; to reaffirm and strengthen the principle of nonintervention as well as the right of all states to choose freely their political, economic and social organization; and to recognize that, for the maintenance of peace and security in the Hemisphere, it is also necessary to guarantee collective economic security for the development of the American States; and

That the Preamble of the Inter-American Treaty of Reciprocal Assistance, signed in Rio de Janeiro on September 2, 1947, insofar as it is compatible with this Protocol, shall be maintained because of its intrinsic value and is therefore reproduced below:

> In the name of their Peoples the Governments represented at the Inter-American Conference for the Maintenance of Continental Peace and Security, desirous of consolidating and

strengthening their relations of friendship and neighborliness, and

CONSIDERING:

That Resolution VIII of the Inter-American Conference on Problems of War and Peace, which met in Mexico City, recommended the conclusion of a treaty to prevent and repel threats and acts of aggression against any of the countries of America;

That the High Contracting Parties reiterate their will to remain united in an inter-American system consistent with the purposes and principles of the United Nations, and reaffirm the existence of the agreement which they have concluded concerning those matters relating to the maintenance of international peace and security which are appropriate for regional action;

That the High Contracting Parties reaffirm their adherence to the principles of inter-American solidarity and cooperation, and especially to those set forth in the preamble and declarations of the Act of Chapultepec, all of which should be understood to be accepted as standards of their mutual relations and as the juridical basis of the Inter-American System;

That the American States propose, in order to improve the procedures for the pacific settlement of their controversies, to conclude the treaty concerning the "Inter-American Peace System" envisaged in Resolution IX and XXXIX of the Inter-American Conference on Problems of War and Peace;

That the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals and to their will to cooperate permanently in the fulfillment of the principles and purposes of a policy of peace;

That the American regional community affirms as a manifest truth that juridical organization is a necessary prerequisite of security and peace, and that peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security, HAVE AGREED UPON THE FOLLOWING:

ARTICLE I

Articles 1, 2, 3, 4, 5 (present 6), 8, 9, 10 (present 5), 20 (present 17) and 23 (present 20) of the Inter-American Treaty of Reciprocal Assistance shall read as follows:

Article 1

The High Contracting Parties formally condemn war and undertake, in their international relations, not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the Organization of American States, the Charter of the United Nations or this Treaty.

Article 2

As a consequence of the principle set forth in the preceding article, the High Contracting Parties undertake to settle their disputes with one another by peaceful means.

The High Contracting Parties shall make every effort to achieve the peaceful settlement of disputes through the procedures and mechanisms provided for in the Inter-American System before submitting them to the Security Council of the United Nations.

This provision shall not be interpreted as an impairment of the rights and obligations of the States Parties under Articles 34 and 35 of the Charter of the United Nations.

Article 3

1. The High Contracting Parties agree that an armed attack by any State against a State Party shall be considered an attack against all the States Parties and, consequently, each of them undertakes to assist in meeting any such attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

2. At the request of the State Party or States Parties directly attacked by one or more American States and until the Organ of Consultation provided for in this Treaty takes a decision, each of the States Parties may determine, according to the circumstances, the immediate measures it may take individually in fulfillment of the obligation set forth in the preceding paragraph.

3. In the event of armed attack of extra-hemispheric origin against one or more States Parties and until the Organ of Consultation takes a decision, each State Party may determine, according to the circumstances and at the request of the State Party or States Parties attacked, the immediate measures it may take in the excercise of its right of individual or collective self-defense in accordance with Article 51 of the Charter of the United Nations and with the obligation set forth in paragraph 1 of this article.

4. For the purposes of paragraphs 2 and 3 of this article, on convocation by the Chairman of the Permanent Council the Organ of Consultation shall meet without delay to examine such immediate measures as the States Parties may have taken in accordance with paragraph 1 of this article and to agree on the collective measures that may be necessary, including any joint action the States Parties may take before the United Nations, to give effect to the pertinent provisions of the Charter of the Organization.

5. The provisions of this article shall be applied in any case of armed attack against a State Party that takes place within the region described in Article 4 or within the territory under the full sovereignty of a State Party.

6. Measures of self-defense provided for in this article may be applied until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security.

Article 4

The region to which this Treaty refers is bounded as follows:

Beginning at the South Pole, thence due north to a point 7 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 118 degrees west longitude; thence by a rhumb line to a point 56 degrees north latitude, 144 degrees west longitude; thence by a rhumb line to a point 52 degrees north latitude, 150 degrees west longitude; thence by a rhumb line to a point 46 degrees north latitude, 180 degrees longitude; thence by a rhumb line to a point 50 degrees 36.4 minutes north latitude, 167 degrees east longitude, thereby coinciding with the End Point of the United States-Russia Convention Line of 1867; thence along this Convention Line to its Initial Turning Point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 22.587 seconds west longitude; thence due north along the Convention Line to its Starting Point at 72 degrees north latitude; thence by a rhumb line to a point 75 degrees north latitude; 165 degrees west longitude; thence due east to a point 75 degrees north latitude, 140 degrees west longitude; thence by a great circle to a point 86 degrees 30 minutes north latitude, 60 degrees west longitude; thence due south along the 60 degrees west meridian to a point 82 degrees 13 minutes north latitude, which coincides with Point No. 127 of the Line of the

Agreement between the Government of Canada and the Government of the Kingdom of Denmark, which entered into force March 13, 1974; thence along this Line of Agreement to Point No. 1 at 61 degrees north latitude, 57 degrees 13.1 minutes west longitude; thence by a rhumb line to a point 47 degrees north latitude, 43 degrees west longitude; thence by a rhumb line to a point 36 degrees north latitude, 65 degrees west longitude; thence by a rhumb line to a point at the Equator and 20 degrees west longitude; thence due south to the South Pole.

Article 5

If the inviolability or the integrity of the territory or the sovereignty or political independence of any State Party should be affected by an act of aggression as determined in accordance with Article 9 of this Treaty that does not fall within the scope of Article 3 or by a conflict or serious event that might endanger the peace of America, the Organ of Consultation shall meet immediately to agree on the measures that must be taken to assist the affected State Party and the measures and steps that should be taken for the common defense and for the maintenance of the peace and security of the Hemisphere.

If the inviolability or the integrity of the territory or the sovereignty or political independence of any other American State should be affected by an act of aggression as determined in accordance with Article 9 of this Treaty or by a conflict or serious event that might endanger the peace of America, the Organ of Consultation shall meet immediately to agree on the measures and steps that should be taken for the common defense and for the maintenance of the peace and security of the Hemisphere.

Article 8

Without prejudice to such conciliatory or peace-making steps as it may take, the Organ of Consultation may, in the cases provided for in Articles 3, 5 and 7, adopt one or more of the following measures: recall of chiefs of missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, radio-telephonic or radio-telegraphic, or other means of communication; and use of armed force.

Article 9

1. Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, the Charter of the Organization of American States or this Treaty.

The first use of armed force by a State in contravention of the aforementioned instruments shall constitute prima facie evidence of an act of aggression, although the Organ of Consultation may, in conformity with these instruments, conclude that the determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity.

No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.

2. Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of paragraph 1 of this article, qualify as an act of aggression:

a. Invasion by the armed forces of a State of the Territory of another State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision or arbitral award or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State, or armed attack by a State against the territory or people of another State, or any military occupation, however temporary, resulting from such invasion or attack or any annexation by the use of force of the territory of another State or part thereof;

b. Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

c. The blockade of the ports or coasts of a State by the armed forces of another State;

d. An attack by the armed forces of a State on the land, sea or air forces of another State;

e. The use of the armed forces of one State which are located within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

f. The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

g. The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

3. The Organ of Consultation may determine that other specific cases submitted to it for consideration, equivalent in nature and seriousness to those contemplated in this article, constitute aggression under the provisions of the Charter of the United Nations, the Charter of the Organization of American States or this Treaty.

Article 10

The High Contracting Parties shall immediately send to the Security Council, in conformity with Articles 51 and 54 of the Charter of that Organization, complete information concerning the activities undertaken or in contemplation in the exercise of the right of self-defense or for the purpose of maintaining inter-American peace and security.

Article 20

The Organ of Consultation shall adopt all its decisions or recommendations by a vote of two-thirds of the States Parties, except as provided for in the following paragraph.

To rescind the measures taken pursuant to Article 8, a vote of an absolute majority of the States Parties shall be required.

Article 23

The measures mentioned in Article 8 may be adopted by the Organ of Consultation in the form of:

a. Decisions whose application is binding on the States Parties, or

b. Recommendations to the States Parties.

If the Organ of Consultation takes measures to which this article refers against a State, any other State Party to this Treaty that finds itself confronted by special economic problems arising from the carrying out of the measures in question shall have the right to consult the Organ of Consultation with regard to the solution of those problems.

No State shall be required to use armed force without its consent.

ARTICLE II

The following new articles shall be incorporated into the Inter-American Treaty of Reciprocal Assistance and numbered as follows: 6, 11, 12 and 27.

Article 6

Any assistance the Organ of Consultation may decide to furnish a State Party may not be provided without the consent of that State.

Article 11

The High Contracting Parties recognize that, for the maintenance of peace and security in the Hemisphere, collective economic security for the development of the Member States of the Organization of American States must also be guaranteed through suitable mechanisms to be established in a special treaty.

Article 12

Nothing stipulated in this Treaty shall be interpreted as limiting or impairing in any way the principle of non-intervention and the right of all States to choose freely their political, economic and social organization.

Article 27

This Treaty may only be amended at a special conference convoked for that purpose by a majority of the States Parties. Amendments shall enter into force as soon as the instruments of ratification of two thirds of the States Parties have been deposited.

ARTICLE III

The following articles of the Inter-American Treaty of Reciprocal Assistance shall be renumbered as follows:

Article 10 shall become Article 13; 11, 14; 12, 15; 13, 16; 14, 17; 15, 18; 16, 19; 18, 21; 19, 22; 21, 24; 22, 25; 23, 26; 24, 28; 25, 29; and 26, 30.

Consequently the words "Articles 13 and 15" in the present Article 16 of the Treaty shall be replaced, in Article 19, by the words "Articles 16 and 18".

ARTICLE IV

The text and number of Article 7 of the Inter-American Treaty of Reciprocal Assistance remains unchanged.

ARTICLE V

The terms "Permanent Council of the Organization of American States" and "General Secretariat of the Organization of American States" shall replace the terms "Governing Board of the Pan American Union" and "Pan American Union", respectively, wherever these terms appear in the articles of the Treaty that have not been specifically amended by this Protocol.

ARTICLE VI

This Protocol shall remain open for signature by the States Parties to the Inter-American Treaty of Reciprocal Assistance and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the English, French, Portuguese and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall transmit certified copies thereof to the Governments of the Signatory States for the purpose of ratification. The instruments of ratification shall be deposited with the General Secretariat, which shall notify the States Parties to the Inter-American Treaty of Reciprocal Assistance of each deposit.

ARTICLE VII

The Inter-American Treaty of Reciprocal Assistance, together with this Protocol of Amendment, shall remain open for signature by the Member States of the Organization of American States that are not Parties to the Inter-American Treaty of Reciprocal Assistance and shall be ratified in accordance with their respective constitutional procedures. The instruments of ratification shall be deposited with the General Secretariat, which shall notify the States Parties to the Inter-American Treaty of Reciprocal Assistance of each deposit.

ARTICLE VIII

This Protocol shall enter into force among the ratifying States when two thirds of the Signatory States thereof have deposited their instruments of ratification. It shall enter into force with respect to the remaining States when they deposit their instruments of ratification.

ARTICLE IX

When this Protocol enters into force, it shall be understood that Member States of the Organization of American States that are not Parties to the Inter-American Treaty of Reciprocal Assistance and that sign and ratify this Protocol are also signing and ratifying the parts of the Inter-American Treaty of Reciprocal Assistance that have not been amended.

ARTICLE X

This Protocol shall be registered with the Secretariat of the United Nations through the General Secretariat of the Organization of American States.

ARTICLE XI

When this Protocol of Amendment enters into force, the General Secretariat of the Organization of American States shall prepare a consolidated text of the Inter-American Treaty of Reciprocal Assistance that shall include the parts of that Treaty that have not been amended and the amendments introduced by this Protocol. This text shall be published upon approval by the Permanent Council of the Organization of American States.

ARTICLE XII

The Inter-American Treaty of Reciprocal Assistance shall continue in force between the States Parties to the Treaty. Once this Protocol of Amendment enters into force, the Treaty as amended shall apply among the States that have ratified this Protocol.

ARTICLE XIII

The States Parties to the Inter-American Treaty of Reciprocal Assistance that have not ratified the Protocol of Amendment on the date on which this Protocol enters into force may request a meeting of the Organ of Consultation and participate fully in all the meetings this Organ may hold provided that they formally undertake, in each case, to accept the decisions of the Organ of Consultation adopted in accordance with the Inter-American Treaty of Reciprocal Assistance as amended by this Protocol of Amendment.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, whose powers have been found to be in due and proper form, sign

this Protocol, which shall be called "PROTOCOL OF AMENDMENT TO THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (RIO TREATY)", in the city of San José, Costa Rica, on the twenty-sixth day of July of the year one thousand nine hundred seventy-five.

DECLARATIONS AND RESERVATIONS

DECLARATION OF BOLIVIA

Bolivia signs this Protocol of Amendment to the Inter-American Treaty of Reciprocal Assistance without reservation in the conviction that this Protocol updates and improves the stipulations of the original instrument in the light of the changed circumstances.

RESERVATION OF PERU

In signing the Protocol of Amendment to the Inter-American Treaty of Reciprocal Assistance, Peru makes an express reservation with regard to Article 3, paragraph 3.

RESERVATION OF PARAGUAY

In signing the Protocol of Amendment ad referendum, the Delegation of Paraguay makes an express reservation concerning Article 20, on the grounds that it is inappropriate to use different criteria for applying measures and for removing them; this is tantamount to requiring different majorities for the two cases. The Delegation of Paraguay therefore considers that since the decisions or recommendations of the Organ of Consultation must be adopted by a two-thirds vote of the States Parties, a two-thirds vote of those States must also be required to rescind them.

RESERVATION OF GUATEMALA

On signing this Protocol, Guatemala reiterates the reservation it made on ratifying the Inter-American Treaty of Reciprocal Assistance, which reads: "The present Treaty poses no impediment whatever to Guatemala's assertion of its rights over the Guatemalan Territory of Belize by whatever means it considers most appropriate; a Treaty that may at any time be invoked by the Republic with respect to the aforesaid territory."

STATEMENT BY PANAMA

Panama signs this Protocol of Amendment to the Inter-American Treaty of Reciprocal Assistance with the reservation that the new text can only be accepted in accordance with the provisions of the Constitution of Panama with respect to the ratification of treaties; in the meantime, Panama will not accept any new clause that might be in contravention of the mandates of the Political Constitution of the Republic of Panama or the national interest.

STATEMENT BY MEXICO

1. The Delegation of Mexico reiterates its conviction that, in establishing the boundaries of the security zone as indicated in Article 4, regions protected by other international instruments that have been expressly or tacitly approved by the United Nations should, as far as possible, not have been included.

2. The Delegation of Mexico continues to consider that, except in case of self-defense, the collective measures to which Article 8 refers cannot be applied in mandatory form, given their coercive nature, without authorization by the Security Council of the United Nations.

RESERVATION OF THE UNITED STATES

The United States, in signing this Protocol of Amendment to the Inter-American Treaty of Reciprocal Assistance, accepts no obligation or commitment to negotiate, sign or ratify a treaty or convention on the subject of collective economic security.

STATEMENT AND RESERVATION OF EL SALVADOR

The Delegation of El Salvador states its firm conviction that no provision of this Protocol impairs the principle of hemispheric solidarity in the face of aggression, whatever its origin may be. Without prejudice to any other reservations the Government of the Republic may make in due course, it signs this Protocol with the reservation that its articles contain no commitment by the Parties to use compulsory methods or procedures for the settlement of disputes, which El Salvador cannot accept.

Protocol of Amendment to the Inter-American Treaty of Reciprocal Assistance*

SIGNATORY COUNTRIES	DEPOSIT OF RATIFICATION	
Argentina		
Bolivia		1/
Brazil	14 July 1977	
Chile		
Colombia		
Costa Rica	8 April 1976	
Dominican Republic	18 February 1976	
Ecuador		
El Salvador		2/
Guatemala	4 October 1978	3/
Haiti	15 April 1976	
Honduras		
Mexico	24 February 1977	4/
Nicaragua		
Panama		5/
Paraguay		6/
Peru		7/
Trinidad and Tobago		
United States	20 September 1979	8/
Uruguay		
Venezuela		

NOTE: The Protocol shall remain open for signature by the states parties to the Inter-American Treaty of Reciprocal Assistance.

1/ Declaration made at the time of signature

2/ Declaration and reservations made at the time of signature

3/ Reservation made at the time of signature; reservations made at the time of ratification

4/ Declarations made at the time of signature; declaration made at the time of ratification

5/ Declaration made at the time of signature

6/ Reservation made at the time of signature

7/ Reservation made at the time of signature

8/ Reservation made at the time of signature; reservation made at the time of ratification

*Source: Inter-American Treaties and Conventions, Treaty Series No. 9, General Secretariat, OAS, Washington, D.C.
Entry into Force: When two-thirds of the Signatory States have deposited their instruments of ratification, in accordance with Article VIII of the Protocol

B. OAS Charter of 1948, as amended by the 1967 Protocol

CHARTER OF THE ORGANIZATION OF AMERICAN STATES*

IN THE NAME OF THEIR PEOPLES, THE STATES REPRESENTED AT THE NINTH INTERNATIONAL CONFERENCE OF AMERICAN STATES,

Convinced that the historic mission of America is to offer to man a land of liberty, and a favorable environment for the development of his personality and the realization of his just aspirations;

Conscious that that mission has already inspired numerous agreements, whose essential value lies in the desire of the American peoples to live together in peace, and, through their mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality and under law;

Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man;

Persuaded that their welfare and their contribution to the progress and the civilization of the world will increasingly require intensive continental cooperation;

Resolved to persevere in the noble undertaking that humanity has conferred upon the United Nations, whose principles and purposes they solemnly reaffirm;

Convinced that juridical organization is a necessary condition for security and peace founded on moral order and on justice; and

In accordance with Resolution IX of the Inter-American Conference on Problems of War and Peace, held at Mexico City,

HAVE AGREED
upon the following

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* The original 1948 Charter entered into force on December 15, 1951. The 1967 Protocol entered into force on February 27, 1970 [TIAS 6847; 21 UST 6847].

Entered into force on February 27, 1970 [TIAS 6847, 21 UST 607].

CHARTER
OF THE ORGANIZATION OF
AMERICAN STATES

PART ONE

Chapter I

NATURE AND PURPOSES

Article 1

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence. Within the United Nations, the Organization of American States is a regional agency.

Article 2

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

a) To strengthen the peace and security of the continent;

b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;

c) To provide for common action on the part of those States in the event of aggression;

d) To seek the solution of political, juridical, and economic problems that may arise among them; and

e) To promote, by cooperative action, their economic, social, and cultural development.

Chapter II

PRINCIPLES

Article 3

The American States reaffirm the following principles:

a) International law is the standard of conduct of States in their reciprocal relations;

b) International order consists essentially of respect for the personality, sovereignty, and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;

c) Good faith shall govern the relations between States;

d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;

e) The American States condemn war of aggression: victory does not give rights;

f) An act of aggression against one American State is an act of aggression against all the other American States;

g) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;

h) Social justice and social security are bases of lasting peace;

i) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;

j) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed, or sex;

k) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;

l) The education of peoples should be directed toward justice, freedom, and peace.

Chapter III

MEMBERS

Article 4

All American States that ratify the present Charter are Members of the Organization.

Article 5

Any new political entity that arises from the union of several Member States and that, as such, ratifies the present Charter, shall become a Member of the Organization. The entry of the new political entity into the Organization shall result in the loss of membership of each one of the States which constitute it.

Article 6

Any other independent American State that desires to become a Member of the Organization should so indicate by means of a note addressed to the Secretary General, in which it declares that it is willing to sign and ratify the Charter of the Organization and to accept all the obligations inherent in membership, especially those relating to collective security expressly set forth in Articles 27 and 28 of the Charter.

Article 7

The General Assembly, upon the recommendation of the Permanent Council of the Organization, shall determine whether it is appropriate that the Secretary General be authorized to permit the applicant State to sign the Charter and to accept the deposit of the corresponding instrument of ratification. Both the recommendation of the Permanent Council and the decision of the General Assembly shall require the affirmative vote of two thirds of the Member States.

Article 8

The Permanent Council shall not make any recommendation nor shall the General Assembly take any decision with respect to a request for admission on the part of a political entity whose territory became subject, in whole or in part, prior to December 18, 1964, the date set by the First Special Inter-American Conference, to litigation or claim between an extracontinental country and one or more Member States of the Organization, until the dispute has been ended by some peaceful procedure.

Chapter IV

FUNDAMENTAL RIGHTS AND DUTIES OF STATES

Article 9

States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

Article 10

Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law.

Article 11

The fundamental rights of States may not be impaired in any manner whatsoever.

Article 12

The political existence of the State is independent of recognition by other States. Even before being recognized, the State has the right to defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights is limited only by the exercise of the rights of other States in accordance with international law.

Article 13

Recognition implies that the State granting it accepts the personality of the new State, with all the rights and duties that international law prescribes for the two States.

Article 14

The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

Article 15

The jurisdiction of States within the limits of their national territory is exercised equally over all the inhabitants, whether nationals or aliens.

Article 16

Each State has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

Article 17

Respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among States. International treaties and agreements should be public.

Article 18

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

Article 19

No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Article 20

The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Article 21

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

Article 22

Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 18 and 20.

Chapter V

PACIFIC SETTLEMENT OF DISPUTES

Article 23

All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter, before being referred to the Security Council of the United Nations.

Article 24

The following are peaceful procedures: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.

Article 25

In the event that a dispute arises between two or more American States which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the parties shall agree on some other peaceful procedure that will enable them to reach a solution.

Article 26

A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American States shall fail of definitive settlement within a reasonable period.

Chapter VI

COLLECTIVE SECURITY

Article 27

Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States.

Article 28

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extracontinental conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.

Chapter VII

ECONOMIC STANDARDS

Article 29

The Member States, inspired by the principles of inter-American solidarity and cooperation, pledge themselves to a united effort to ensure social justice in the Hemisphere and dynamic and balanced economic development for their peoples, as conditions essential to peace and security.

Article 30

The Member States pledge themselves to mobilize their own national human and material resources through suitable programs, and recognize the importance of operating within an efficient domestic structure, as fundamental conditions for their economic and social progress and for assuring effective inter-American cooperation.

Article 31

To accelerate their economic and social development, in accordance with their own methods and procedures and within the framework of the democratic principles and the institutions of the inter-American system, the Member States agree to dedicate every effort to achieve the following basic goals:

a) Substantial and self-sustained increase in the per capita national product;

b) Equitable distribution of national income;

c) Adequate and equitable systems of taxation;

d) Modernization of rural life and reforms leading to equitable and efficient land-tenure systems, increased agricultural productivity, expanded use of undeveloped land, diversification of production; and improved processing and marketing systems for agricultural products; and the strengthening and expansion of facilities to attain these ends;

e) Accelerated and diversified industrialization, especially of capital and intermediate goods;

f) Stability in the domestic price levels, compatible with sustained economic development and the attainment of social justice;

g) Fair wages, employment opportunities, and acceptable working conditions for all;

h) Rapid eradication of illiteracy and expansion of educational opportunities for all;

i) Protection of man's potential through the extension and application of modern medical science;

j) Proper nutrition, especially through the acceleration of national efforts to increase the production and availability of food;

k) Adequate housing for all sectors of the population;

l) Urban conditions that offer the opportunity for a healthful, productive, and full life;

m) Promotion of private initiative and investment in harmony with action in the public sector; and

n) Expansion and diversification of exports.

Article 32

In order to attain the objectives set forth in this Chapter, the Member States agree to cooperate with one another, in the broadest spirit of inter-American solidarity, as far as their resources may permit and their laws may provide.

Article 33

To attain balanced and sustained development as soon as feasible, the Member States agree that the resources made available from time to time by each, in accordance with the preceding Article, should be provided under flexible conditions and in support of the national and multinational programs and efforts undertaken to meet the needs of the assisted country, giving special attention to the relatively less-developed countries.

They will seek, under similar conditions and for similar purposes, financial and technical cooperation from sources outside the Hemisphere and from international institutions.

Article 34

The Member States should make every effort to avoid policies, actions, or measures that have serious adverse effects on the economic or social development of another Member State.

Article 35

The Member States agree to join together in seeking a solution to urgent or critical problems that may arise whenever the economic development or stability of any Member State is seriously affected by conditions that cannot be remedied through the efforts of that State.

Article 36

The Member States shall extend among themselves the benefits of science and technology by encouraging the exchange and utilization of scientific and technical knowledge in accordance with existing treaties and national laws.

Article 37

The Member States, recognizing the close interdependence between foreign trade and economic and social development, should make individual and united efforts to bring about the following:

a) Reduction or elimination, by importing countries, of tariff and nontariff barriers that affect the exports of the Members of the Organization, except when such barriers are applied in order to diversify the economic structure, to speed up the development of the less-developed Member States, or to intensify their process of economic integration, or when they are related to national security or to the needs for economic balance;

b) Maintenance of continuity in their economic and social development by means of:
   i. Improved conditions for trade in basic commodities through international agreements, where appropriate; orderly marketing procedures that avoid the disruption of markets; and other measures designed to promote the expansion of markets, and to obtain dependable incomes for producers, adequate and dependable supplies for consumers, and stable prices that are both remunerative to producers and fair to consumers;
   ii. Improved international financial cooperation and the adoption of other means for lessening the adverse impact of sharp fluctuations in export earnings experienced by the countries exporting basic commodities; and
   iii. Diversification of exports and expansion of export opportunities for manufactured and semimanufactured products from the developing countries by promoting and strengthening national and multinational institutions and arrangements established for these purposes.

Article 38

The Member States reaffirm the principle that when the more-developed countries grant concessions in international trade agreements that lower or eliminate tariffs or other barriers to foreign trade so that they benefit the less-developed countries, they should not expect reciprocal concessions from those countries that are incompatible with their economic development, financial, and trade needs.

Article 39

The Member States, in order to accelerate their economic development, regional integration, and the expansion and improvement of the conditions of their commerce, shall promote improvement and coordination of transportation and communication in the developing countries and among the Member States.

Article 40

The Member States recognize that integration of the developing countries of the Hemisphere is one of the objectives of the inter-American system and, therefore, shall orient their efforts and take the necessary measures to accelerate the integration process, with a view to establishing a Latin American common market in the shortest possible time.

Article 41

In order to strengthen and accelerate integration in all its aspects, the Member States agree to give adequate priority to the preparation and carrying out of multinational projects and to their financing, as well as to encourage economic and financial institutions of the inter-American system to continue giving their broadest support to regional integration institutions and programs.

Article 42

The Member States agree that technical and financial cooperation that seeks to promote regional economic integration should be based on the principle of harmonious, balanced, and efficient development, with particular attention to the relatively less-developed countries, so that it may be a decisive factor that will enable them to promote, with their own efforts, the improved development of their infrastructure programs, new lines of production, and export diversification.

Chapter VIII

SOCIAL STANDARDS

Article 43

The Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms:

a) All human beings, without distinction as to race, sex, nationality, creed, or social condition, have a right to material well-being and to their spiritual development, under circumstances of liberty, dignity, equality of opportunity, and economic security;

b) Work is a right and a social duty, it gives dignity to the one who performs it, and it should be performed under conditions, including a system of fair wages, that ensure life, health, and a decent standard of living for the worker and his family, both during his working years and in his old age, or when any circumstance deprives him of the possibility of working;

c) Employers and workers, both rural and urban, have the right to associate themselves freely for the defense and promotion of their interests, including the right to collective bargaining and the workers' right to strike, and recognition of the juridical personality of associations and the protection of their freedom and independence, all in accordance with applicable laws;

d) Fair and efficient systems and procedures for consultation and collaboration among the sectors of production, with due regard for safeguarding the interests of the entire society;

e) The operation of systems of public administration, banking and credit, enterprise, and distribution and sales, in such a way, in harmony with the private sector, as to meet the requirements and interests of the community;

f) The incorporation and increasing participation of the marginal sectors of the population, in both rural and urban areas, in the economic, social, civic, cultural, and political life of the nation, in order to achieve the full integration of the national community, acceleration of the process of social mobility, and the consolidation of the democratic system. The encouragement of all efforts of popular promotion and cooperation that have as their purpose the development and progress of the community;

g) Recognition of the importance of the contribution of organizations such as labor unions, cooperatives, and cultural, professional, business, neighborhood, and community associations to the life of the society and to the development process;

h) Development of an efficient social security policy; and

i) Adequate provision for all persons to have due legal aid in order to secure their rights.

Article 44

The Member States recognize that, in order to facilitate the process of Latin American regional integration, it is necessary to harmonize the social legislation of the developing countries, especially in the labor and social security fields, so that the rights of the workers shall be equally protected, and they agree to make the greatest efforts possible to achieve this goal.

Chapter IX

EDUCATIONAL, SCIENTIFIC, AND CULTURAL STANDARDS

Article 45

The Member States will give primary importance within their development plans to the encouragement of education, science, and culture, oriented toward the over-all improvement of the individual, and as a foundation for democracy, social justice, and progress.

Article 46

The Member States will cooperate with one another to meet their educational needs, to promote scientific research, and to encourage technological progress. They consider themselves individually and jointly bound to preserve and enrich the cultural heritage of the American peoples.

Article 47

The Member States will exert the greatest efforts, in accordance with their constitutional processes, to ensure the effective exercise of the right to education, on the following bases:

a) Elementary education, compulsory for children of school age, shall also be offered to all others who can benefit from it. When provided by the State it shall be without charge;

b) Middle-level education shall be extended progressively to as much of the population as possible, with a view to social improvement. It shall be diversified in such a way that it meets the development needs of each country without prejudice to providing a general education; and

c) Higher education shall be available to all, provided that, in order to maintain its high level, the corresponding regulatory or academic standards are met.

Article 48

The Member States will give special attention to the eradication of illiteracy, will strengthen adult and vocational education systems, and will ensure that the benefits of culture will be available to the entire population. They will promote the use of all information media to fulfill these aims.

Article 49

The Member States will develop science and technology through educational and research institutions and through expanded information programs. They will organize their cooperation in these fields efficiently and will substantially increase exchange of knowledge, in accordance with national objectives and laws and with treaties in force.

Article 50

The Member States, with due respect for the individuality of each of them, agree to promote cultural exchange as an effective means of consolidating inter-American understanding; and they recognize that regional integration programs should be strengthened by close ties in the fields of education, science, and culture.

PART TWO

Chapter X

THE ORGANS

Article 51

The Organization of American States accomplishes its purposes by means of:

a) The General Assembly;

b) The Meeting of Consultation of Ministers of Foreign Affairs;

c) The Councils;

d) The Inter-American Juridical Committee;

e) The Inter-American Commission on Human Rights;

f) The General Secretariat;

g) The Specialized Conferences; and

h) The Specialized Organizations.

There may be established, in addition to those provided for in the Charter and in accordance with the provisions thereof, such subsidiary organs, agencies, and other entities as are considered necessary.

Chapter XI

THE GENERAL ASSEMBLY

Article 52

The General Assembly is the supreme organ of the Organization of American States. It has as its principal powers, in addition to such others as are assigned to it by the Charter, the following:

a) To decide the general action and policy of the Organization, determine the structure and functions of its organs, and consider any matter relating to friendly relations among the American States;

b) To establish measures for coordinating the activities of the organs, agencies, and entities of the Organization among themselves and such activities with those of the other institutions of the inter-American system;

c) To strengthen and coordinate cooperation with the United Nations and its specialized agencies;

d) To promote collaboration, especially in the economic, social, and cultural fields, with other international organizations whose purposes are similar to those of the Organization of American States;

e) To approve the program-budget of the Organization and determine the quotas of the Member States;

f) To consider the annual and special reports that shall be presented to it by the organs, agencies, and entities of the inter-American system;

g) To adopt general standards to govern the operations of the General Secretariat; and

h) To adopt its own rules of procedure and, by a two-thirds vote, its agenda.

The General Assembly shall exercise its powers in accordance with the provisions of the Charter and of other inter-American treaties.

Article 53

The General Assembly shall establish the bases for fixing the quota that each Government is to contribute to the maintenance of the Organization, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. Decisions on budgetary matters require the approval of two thirds of the Member States.

Article 54

All Member States have the right to be represented in the General Assembly. Each State has the right to one vote.

Article 55

The General Assembly shall convene annually during the period determined by the rules of procedure and at a place selected in accordance with the principle of rotation. At each regular session the date and place of the next regular session shall be determined, in accordance with the rules of procedure.

If for any reason the General Assembly cannot be held at the place chosen, it shall meet at the General Secretariat, unless one of the Member States should make a timely offer of a site in its territory, in which case the Permanent Council of the Organization may agree that the General Assembly will meet in that place.

Article 56

In special circumstances and with the approval of two thirds of the Member States, the Permanent Council shall convoke a special session of the General Assembly.

Article 57

Decisions of the General Assembly shall be adopted by the affirmative vote of an absolute majority of the Member States, except in those cases that require a two-thirds vote as provided in the Charter or as may be provided by the General Assembly in its rules of procedure.

Article 58

There shall be a Preparatory Committee of the General Assembly, composed of representatives of all the Member States, which shall:

a) Prepare the draft agenda of each session of the General Assembly;

b) Review the proposed program-budget and the draft resolution on quotas, and present to the General Assembly a report thereon containing the recommendations it considers appropriate; and

c) Carry out such other functions as the General Assembly may assign to it.

The draft agenda and the report shall, in due course, be transmitted to the Governments of the Member States.

Chapter XII

THE MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

Article 59

The Meeting of Consultation of Ministers of Foreign Affairs shall be held in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the Organ of Consultation.

Article 60

Any Member State may request that a Meeting of Consultation be called. The request shall be addressed to the Permanent Council of the Organization, which shall decide by an absolute majority whether a meeting should be held.

Article 61

The agenda and regulations of the Meeting of Consultation shall be prepared by the Permanent Council of the Organization and submitted to the Member States for consideration.

Article 62

If, for exceptional reasons, a Minister of Foreign Affairs is unable to attend the meeting, he shall be represented by a special delegate.

Article 63

In case of an armed attack within the territory of an American State or within the region of security delimited by treaties in force, a Meeting of Consultation shall be held without delay. Such Meeting shall be called immediately by the Chairman of the Permanent Council of the Organization, who shall at the same time call a meeting of the Council itself.

Article 64

An Advisory Defense Committee shall be established to advise the Organ of Consultation on problems of military cooperation that may arise in connection with the application of existing special treaties on collective security.

Article 65

The Advisory Defense Committee shall be composed of the highest military authorities of the American States participating in the Meeting of Consultation. Under exceptional circumstances the Governments may appoint substitutes. Each State shall be entitled to one vote.

Article 66

The Advisory Defense Committee shall be convoked under the same conditions as the Organ of Consultation, when the latter deals with matters relating to defense against aggression.

Article 67

The Committee shall also meet when the General Assembly or the Meeting of Consultation or the Governments, by a two-thirds majority of the Member States, assign to it technical studies or reports on specific subjects.

Chapter XIII

THE COUNCILS OF THE ORGANIZATION

Common Provisions

Article 68

The Permanent Council of the Organization, the Inter-American Economic and Social Council, and the Inter-American Council for Education, Science, and Culture are directly responsible to the General Assembly and each has the authority granted to it in the Charter and other inter-American instruments, as well as the functions assigned to it by the General Assembly and the Meeting of Consultation of Ministers of Foreign Affairs.

Article 69

All Member States have the right to be represented on each of the Councils. Each State has the right to one vote.

Article 70

The Councils may, within the limits of the Charter and other inter-American instruments, make recommendations on matters within their authority.

Article 71

The Councils, on matters within their respective competence, may present to the General Assembly studies and proposals, drafts of international instruments, and proposals on the holding of specialized conferences, on the creation, modification, or elimination of specialized organizations and other inter-American agencies, as well as on the coordination of their activities. The Councils may also present studies, proposals, and drafts of international instruments to the Specialized Conferences.

Article 72

Each Council may, in urgent cases, convoke Specialized Conferences on matters within its competence, after consulting with the Member States and without having to resort to the procedure provided for in Article 128.

Article 73

The Councils, to the extent of their ability, and with the cooperation of the General Secretariat, shall render to the Governments such specialized services as the latter may request.

Article 74

Each Council has the authority to require the other Councils, as well as the subsidiary organs and agencies responsible to them, to provide it with information and advisory services on matters within their respective spheres of competence. The Councils may also request the same services from the other agencies of the inter-American system.

Article 75

With the prior approval of the General Assembly, the Councils may establish the subsidiary organs and the agencies that they consider advisable for the better performance of their duties. When the General Assembly is not in session, the aforesaid organs or agencies may be established provisionally by the corresponding Council. In constituting the membership of these bodies, the Councils, insofar as possible, shall follow the criteria of rotation and equitable geographic representation.

Article 76

The Councils may hold meetings in any Member State, when they find it advisable and with the prior consent of the Government concerned.

Article 77

Each Council shall prepare its own statutes and submit them to the General Assembly for approval. It shall approve its own rules of procedure and those of its subsidiary organs, agencies, and committees.

Chapter XIV

THE PERMANENT COUNCIL OF THE ORGANIZATION

Article 78

The Permanent Council of the Organization is composed of one representative of each Member State, especially appointed by the respective Government, with the rank of ambassador. Each Government may accredit an acting representative, as well as such alternates and advisers as it considers necessary.

Article 79

The office of Chairman of the Permanent Council shall be held by each of the representatives, in turn, following the alphabetic order in Spanish of the names of their respective countries. The office of Vice Chairman shall be filled in the same way, following reverse alphabetic order.

The Chairman and the Vice Chairman shall hold office for a term of not more than six months, which shall be determined by the statutes.

Article 80

Within the limits of the Charter and of inter-American treaties and agreements, the Permanent Council takes cognizance of any matter referred to it by the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs.

Article 81

The Permanent Council shall serve provisionally as the Organ of Consultation when the circumstances contemplated in Article 63 of this Charter arise.

Article 82

The Permanent Council shall keep vigilance over the maintenance of friendly relations among the Member States, and for that purpose shall effectively assist them in the peaceful settlement of their disputes, in accordance with the following provisions.

Article 83

To assist the Permanent Council in the exercise of these powers, an Inter-American Committee on Peaceful Settlement shall be established, which shall function as a subsidiary organ of the Council. The statutes of the Committee shall be prepared by the Council and approved by the General Assembly.

Article 84

The parties to a dispute may resort to the Permanent Council to obtain its good offices. In such a case the Council shall have authority to assist the parties and to recommend the procedures it considers suitable for the peaceful settlement of the dispute.

If the parties so wish, the Chairman of the Council shall refer the dispute directly to the Inter-American Committee on Peaceful Settlement.

Article 85

In the exercise of these powers, the Permanent Council, through the Inter-American Committee on Peaceful Settlement or by any other means, may ascertain the facts in the dispute, and may do so in the territory of any of the parties with the consent of the Government concerned.

Article 86

Any party to a dispute in which none of the peaceful procedures set forth in Article 24 of the Charter is being followed may appeal to the Permanent Council to take cognizance of the dispute.

The Council shall immediately refer the request to the Inter-American Committee on Peaceful Settlement, which shall consider whether or not the matter is within its competence and, if it deems it appropriate, shall offer its good offices to the other party or parties. Once these are accepted, the Inter-American Committee on Peaceful Settlement may assist the parties and recommend the procedures that it considers suitable for the peaceful settlement of the dispute.

In the exercise of these powers, the Committee may carry out an investigation of the facts in the dispute, and may do so in the territory of any of the parties with the consent of the Government concerned.

Article 87

If one of the parties should refuse the offer, the Inter-American Committee on Peaceful Settlement shall limit itself to informing the Permanent Council, without prejudice to its taking steps to restore relations between the parties, if they were interrupted, or to reestablish harmony between them.

Article 88

Once such a report is received, the Permanent Council may make suggestions for bringing the parties together for the purpose of Article 87 and, if it considers it necessary, it may urge the parties to avoid any action that might aggravate the dispute.

If one of the parties should continue to refuse the good offices of the Inter-American Committee on Peaceful Settlement or of the Council, the Council shall limit itself to submitting a report to the General Assembly.

Article 89

The Permanent Council, in the exercise of these functions, shall take its decisions by an affirmative vote of two thirds of its members, excluding the parties to the dispute, except for such decisions as the rules of procedure provide shall be adopted by a simple majority.

Article 90

In performing their functions with respect to the peaceful settlement of disputes, the Permanent Council and the Inter-American Committee on Peaceful Settlement shall observe the provisions of the Charter and the principles and standards of international law, as well as take into account the existence of treaties in force between the parties.

Article 91

The Permanent Council shall also:

a) Carry out those decisions of the General Assembly or of the Meeting of Consultation of Ministers of Foreign Affairs the implementation of which has not been assigned to any other body;

b) Watch over the observance of the standards governing the operation of the General Secretariat and, when the General Assembly is not in session, adopt provisions of a regulatory nature that enable the General Secretariat to carry out its administrative functions;

c) Act as the Preparatory Committee of the General Assembly, in accordance with the terms of Article 58 of the Charter, unless the General Assembly should decide otherwise;

d) Prepare, at the request of the Member States and with the cooperation of the appropriate organs of the Organization, draft agreements to promote and facilitate cooperation between the Organization of American States and the United Nations or between the Organization and other American agencies of recognized international standing. These draft agreements shall be submitted to the General Assembly for approval;

e) Submit recommendations to the General Assembly with regard to the functioning of the Organization and the coordination of its subsidiary organs, agencies, and committees;

f) Present to the General Assembly any observations it may have regarding the reports of the Inter-American Juridical Committee and the Inter-American Commission on Human Rights; and

g) Perform the other functions assigned to it in the Charter.

Article 92

The Permanent Council and the General Secretariat shall have the same seat.

Chapter XV

THE INTER-AMERICAN ECONOMIC AND SOCIAL COUNCIL

Article 93

The Inter-American Economic and Social Council is composed of one principal representative, of the highest rank, of each Member State, especially appointed by the respective Government.

Article 94

The purpose of the Inter-American Economic and Social Council is to promote cooperation among the American countries in order to attain accelerated economic and social development, in accordance with the standards set forth in Chapters VII and VIII.

Article 95

To achieve its purpose the Inter-American Economic and Social Council shall:

a) Recommend programs and courses of action and periodically study and evaluate the efforts undertaken by the Member States;

b) Promote and coordinate all economic and social activities of the Organization;

c) Coordinate its activities with those of the other Councils of the Organization;

d) Establish cooperative relations with the corresponding organs of the United Nations and with other national and international agencies, especially with regard to coordination of inter-American technical assistance programs; and

e) Promote the solution of the cases contemplated in Article 35 of the Charter, establishing the appropriate procedure.

Article 96

The Inter-American Economic and Social Council shall hold at least one meeting each year at the ministerial level. It shall also meet when convoked by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, at its own initiative, or for the cases contemplated in Article 35 of the Charter.

Article 97

The Inter-American Economic and Social Council shall have a Permanent Executive Committee, composed of a Chairman and no less than seven other members, elected by the Council for terms to be established in the statutes of the Council. Each member shall have the right to one vote. The principles of equitable geographic representation and of rotation shall be taken into account, insofar as possible, in the election of members. The Permanent Executive Committee represents all of the Member States of the Organization.

Article 98

The Permanent Executive Committee shall perform the tasks assigned to it by the Inter-American Economic and Social Council, in accordance with the general standards established by the Council.

Chapter XVI

THE INTER-AMERICAN COUNCIL FOR EDUCATION, SCIENCE, AND CULTURE

Article 99

The Inter-American Council for Education, Science, and Culture is composed of one principal representative, of the highest rank, of each Member State, especially appointed by the respective Government.

Article 100

The purpose of the Inter-American Council for Education, Science, and Culture is to promote friendly relations and mutual understanding between the peoples of the Americas through educational, scientific, and cultural cooperation and exchange between Member States, in order to raise the cultural level of the peoples, reaffirm their dignity as individuals, prepare them fully for the tasks of progress, and strengthen the devotion to peace, democracy, and social justice that has characterized their evolution.

Article 101

To accomplish its purpose the Inter-American Council for Education, Science, and Culture shall:

a) Promote and coordinate the educational, scientific, and cultural activities of the Organization;

b) Adopt or recommend pertinent measures to give effect to the standards contained in Chapter IX of the Charter;

c) Support individual or collective efforts of the Member States to improve and extend education at all levels, giving special attention to efforts directed toward community development;

d) Recommend and encourage the adoption of special educational programs directed toward integrating all sectors of the population into their respective national cultures;

e) Stimulate and support scientific and technological education and research, especially when these relate to national development plans;

f) Foster the exchange of professors, research workers, technicians, and students, as well as of study materials; and encourage the conclusion of bilateral or multilateral agreements on the progressive coordination of curricula at all educational levels and on the validity and equivalence of certificates and degrees;

g) Promote the education of the American peoples with a view to harmonious international relations and a better understanding of the historical and cultural origins of the Americas, in order to stress and preserve their common values and destiny;

h) Systematically encourage intellectual and artistic creativity, the exchange of cultural works and folklore, as well as the interrelationships of the different cultural regions of the Americas;

i) Foster cooperation and technical assistance for protecting, preserving, and increasing the cultural heritage of the Hemisphere;

j) Coordinate its activities with those of the other Councils. In harmony with the Inter-American Economic and Social Council, encourage the interrelationship of programs for promoting education, science, and culture with national development and regional integration programs;

k) Establish cooperative relations with the corresponding organs of the United Nations and with other national and international bodies;

l) Strengthen the civic conscience of the American peoples, as one of the bases for the effective exercise of democracy and for the observance of the rights and duties of man;

m) Recommend appropriate procedures for intensifying integration of the developing countries of the Hemisphere by means of efforts and programs in the fields of education, science, and culture; and

n) Study and evaluate periodically the efforts made by the Member States in the fields of education, science, and culture.

Article 102

The Inter-American Council for Education, Science, and Culture shall hold at least one meeting each year at the ministerial level. It shall also meet when convoked by the General Assembly, by the Meeting of Consultation of Ministers of Foreign Affairs, or at its own initiative.

Article 103

The Inter-American Council for Education, Science, and Culture shall have a Permanent Executive Committee, composed of a Chairman and no less than seven other members, elected by the Council for terms to be established in the statutes of the Council. Each member shall have the right to one vote. The principles of equitable geographic representation and of rotation shall be taken into account, insofar as possible, in the election of members. The Permanent Executive Committee represents all of the Member States of the Organization.

Article 104

The Permanent Executive Committee shall perform the tasks assigned to it by the Inter-American Council for Education, Science, and Culture, in accordance with the general standards established by the Council.

Chapter XVII

THE INTER-AMERICAN JURIDICAL COMMITTEE

Article 105

The purpose of the Inter-American Juridical Committee is to serve the Organization as an advisory body on juridical matters; to promote the progressive development and the codification of international law; and to study juridical problems related to the integration of the developing countries of the Hemisphere and, insofar as may appear desirable, the possibility of attaining uniformity in their legislation.

Article 106

The Inter-American Juridical Committee shall undertake the studies and preparatory work assigned to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils of the Organization. It may also, on its own initiative, undertake such studies and preparatory work as it considers advisable, and suggest the holding of specialized juridical conferences.

Article 107

The Inter-American Juridical Committee shall be composed of eleven jurists, nationals of Member States, elected by the General Assembly for a period of four years from panels of three candidates presented by Member States. In the election, a system shall be used that takes into account partial replacement of membership and, insofar as possible, equitable geographic representation. No two members of the Committee may be nationals of the same State. Vacancies that occur shall be filled in the manner set forth above.

Article 108

The Inter-American Juridical Committee represents all of the Member States of the Organization, and has the broadest possible technical autonomy.

Article 109

The Inter-American Juridical Committee shall establish cooperative relations with universities, institutes, and other teaching centers, as well as with national and international committees and entities devoted to study, research, teaching, or dissemination of information on juridical matters of international interest.

Article 110

The Inter-American Juridical Committee shall draft its statutes, which shall be submitted to the General Assembly for approval.

The Committee shall adopt its own rules of procedure.

Article 111

The seat of the Inter-American Juridical Committee shall be the city of Rio de Janeiro, but in special cases the Committee may meet at any other place that may be designated, after consultation with the Member State concerned.

Chapter XVIII

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Article 112

There shall be an Inter-American Commission on Human Rights, whose principal function shall be to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters.

An inter-American convention on human rights shall determine the structure, competence, and procedure of this Commission, as well as those of other organs responsible for these matters.

Chapter XIX

THE GENERAL SECRETARIAT

Article 113

The General Secretariat is the central and permanent organ of the Organization of American States. It shall perform the functions assigned to it in the Charter, in other inter-American treaties and agreements, and by the General Assembly, and shall carry out the duties entrusted to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils.

Article 114

The Secretary General of the Organization shall be elected by the General Assembly for a five-year term and may not be reelected more than once or succeeded by a person of the same nationality. In the event that the office of Secretary General becomes vacant, the Assistant Secretary General shall assume his duties until the General Assembly shall elect a new Secretary General for a full term.

Article 115

The Secretary General shall direct the General Secretariat, be the legal representative thereof, and, notwithstanding the provisions of Article 91.b, be responsible to the General Assembly for the proper fulfillment of the obligations and functions of the General Secretariat.

Article 116

The Secretary General, or his representative, participates with voice but without vote in all meetings of the Organization.

Article 117

The General Secretariat shall promote economic, social, juridical, educational, scientific, and cultural relations among all the Member States of the Organization, in keeping with the actions and policies decided upon by the General Assembly and with the pertinent decisions of the Councils.

Article 118

The General Secretariat shall also perform the following functions:

a) Transmit ex officio to the Member States notice of the convocation of the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, the Inter-American Economic and Social

Council, the Inter-American Council for Education, Science, and Culture, and the Specialized Conferences;

b) Advise the other organs, when appropriate, in the preparation of agenda and rules of procedure;

c) Prepare the proposed program-budget of the Organization on the basis of programs adopted by the Councils, agencies, and entities whose expenses should be included in the program-budget and, after consultation with the Councils or their permanent committees, submit it to the Preparatory Committee of the General Assembly and then to the Assembly itself;

d) Provide, on a permanent basis, adequate secretariat services for the General Assembly and the other organs, and carry out their directives and assignments. To the extent of its ability, provide services for the other meetings of the Organization;

e) Serve as custodian of the documents and archives of the Inter-American Conferences, the General Assembly, the Meetings of Consultation of Ministers of Foreign Affairs, the Councils, and the Specialized Conferences;

f) Serve as depository of inter-American treaties and agreements, as well as of the instruments of ratification thereof;

g) Submit to the General Assembly at each regular session an annual report on the activities of the Organization and its financial condition; and

h) Establish relations of cooperation, in accordance with decisions reached by the General Assembly or the Councils, with the Specialized Organizations as well as other national and international organizations.

Article 119

The Secretary General shall:

a) Establish such offices of the General Secretariat as are necessary to accomplish its purposes; and

b) Determine the number of officers and employees of the General Secretariat, appoint them, regulate their powers and duties, and fix their remuneration.

The Secretary General shall exercise this authority in accordance with such general standards and budgetary provisions as may be established by the General Assembly.

Article 120

The Assistant Secretary General shall be elected by the General Assembly for a five-year term and may not be reelected more than once or succeeded by a person of the same nationality. In the event that the office of Assistant Secretary General becomes vacant, the Permanent Council shall elect a substitute to hold that office until the General Assembly shall elect a new Assistant Secretary General for a full term.

Article 121

The Assistant Secretary General shall be the Secretary of the Permanent Council. He shall serve as advisory officer to the Secretary General and shall act as his delegate in all matters that the Secretary General may entrust to him. During the temporary absence or disability of the Secretary General, the Assistant Secretary General shall perform his functions.

The Secretary General and the Assistant Secretary General shall be of different nationalities.

Article 122

The General Assembly, by a two-thirds vote of the Member States, may remove the Secretary General or the Assistant Secretary General, or both, whenever the proper functioning of the Organization so demands.

Article 123

The Secretary General shall appoint, with the approval of the respective Council, the Executive Secretary for Economic and Social Affairs and the Executive Secretary for Education, Science, and Culture, who shall also be the secretaries of the respective Councils.

Article 124

In the performance of their duties, the Secretary General and the personnel of the Secretariat shall not seek or receive instructions from any Government or from any authority outside the Organization, and shall refrain from any action that may be incompatible with their position as international officers responsible only to the Organization.

Article 125

The Member States pledge themselves to respect the exclusively international character of the responsibilities of the Secretary General and the personnel of the General Secretariat, and not to seek to influence them in the discharge of their duties.

Article 126

In selecting the personnel of the General Secretariat, first consideration shall be given to efficiency, competence, and integrity; but at the same time, in the recruitment of personnel of all ranks, importance shall be given to the necessity of obtaining as wide a geographic representation as possible.

Article 127

The seat of the General Secretariat is the city of Washington.

Chapter XX

THE SPECIALIZED CONFERENCES

Article 128

The Specialized Conferences are inter-governmental meetings to deal with special technical matters or to develop specific aspects of inter-American cooperation. They shall be held when either the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs so decides, on its own initiative or at the request of one of the Councils or Specialized Organizations.

Article 129

The agenda and rules of procedure of the Specialized Conferences shall be prepared by the Councils or Specialized Organizations concerned and shall be submitted to the Governments of the Member States for consideration.

Chapter XXI

THE SPECIALIZED ORGANIZATIONS

Article 130

For the purposes of the present Charter, Inter-American Specialized Organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States.

Article 131

The General Secretariat shall maintain a register of the organizations that fulfill the conditions set forth in the foregoing Article, as determined by the General Assembly after a report from the Council concerned.

Article 132

The Specialized Organizations shall enjoy the fullest technical autonomy, but they shall take into account the recommendations of the General Assembly and of the Councils, in accordance with the provisions of the Charter.

Article 133

The Specialized Organizations shall transmit to the General Assembly annual reports on the progress of their work and on their annual budgets and expenses.

Article 134

Relations that should exist between the Specialized Organizations and the Organization shall be defined by means of agreements concluded between each organization and the Secretary General, with the authorization of the General Assembly.

Article 135

The Specialized Organizations shall establish cooperative relations with world agencies of the same character in order to coordinate their activities. In concluding agreements with international agencies of a worldwide character, the Inter-American Specialized Organizations shall preserve their identity and their status as integral parts of the Organization of American States, even when they perform regional functions of international agencies.

Article 136

In determining the location of the Specialized Organizations consideration shall be given to the interest of all of the Member States and to the desirability of selecting the seats of these organizations on the basis of a geographic representation as equitable as possible.

PART THREE

Chapter XXII

THE UNITED NATIONS

Article 137

None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations.

Chapter XXIII

MISCELLANEOUS PROVISIONS

Article 138

Attendance at meetings of the permanent organs of the Organization of American States or at the conferences and meetings provided for in the Charter, or held under the auspices of the Organization, shall be in accordance with the multilateral character of the aforesaid organs, conferences, and meetings and shall not depend on the bilateral relations between the Government of any Member State and the Government of the host country.

Article 139

The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges, and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

Article 140

The representatives of the Member States on the organs of the Organization, the personnel of their delegations, as well as the Secretary General and the Assistant Secretary General shall enjoy the privileges and immunities corresponding to their positions and necessary for the independent performance of their duties.

Article 141

The juridical status of the Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the General Secretariat, shall be determined in a multilateral agreement. The foregoing shall not preclude, when it is considered necessary, the concluding of bilateral agreements.

Article 142

Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the Member States.

Article 143

The Organization of American States does not allow any restriction based on race, creed, or sex, with respect to eligibility to participate in the activities of the Organization and to hold positions therein.

Chapter XXIV

RATIFICATION AND ENTRY INTO FORCE

Article 144

The present Charter shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the Spanish, English, Portuguese, and French texts of which are equally authentic, shall be deposited with the General Secretariat, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the General Secretariat, which shall notify the signatory States of such deposit.

Article 145

The present Charter shall enter into force among the ratifying States when two thirds of the signatory States have deposited their ratifications. It shall enter into force with respect to the remaining States in the order in which they deposit their ratifications.

Article 146

The present Charter shall be registered with the Secretariat of the United Nations through the General Secretariat.

Article 147

Amendments to the present Charter may be adopted only at a General Assembly convened for that purpose. Amendments shall enter into force in accordance with the terms and the procedure set forth in Article 145.

Article 148

The present Charter shall remain in force indefinitely, but may be denounced by any Member State upon written notification to the General Secretariat, which shall communicate to all the others each notice of denunciation received. After two years from the date on which the General Secretariat receives a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization after it has fulfilled the obligations arising from the present Charter.

Chapter XXV

TRANSITORY PROVISIONS

Article 149

The Inter-American Committee on the Alliance for Progress shall act as the permanent executive committee of the Inter-American Economic and Social Council as long as the Alliance is in operation.

Article 150

Until the inter-American convention on human rights, referred to in Chapter XVIII, enters into force, the present Inter-American Commission on Human Rights shall keep vigilance over the observance of human rights.

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NOTE.—The Charter entered into effect December 13, 1951, when the 14th ratification was deposited by Colombia. It was registered with the General Secretariat of the United Nations on January 16, 1952.

RESERVATIONS MADE AT THE TIME OF RATIFYING THE CHARTER OF 1948

GUATEMALA

None of the stipulations of the present Charter of the Organization of American States may be considered as an impediment to Guatemala's assertion of its rights over the territory of Belize by such means as at anytime it may deem advisable.[1]

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[1] With respect to this reservation, the General Secretariat consulted the signatory governments, in accordance with the procedure established by paragraph 2 of Resolution XXIX of the Eighth International Conference of American States, to ascertain whether they found it acceptable or not. At the request of the Government of Guatemala, this consultation was accompanied by a formal declaration of that Government to the effect that its reservation did not imply any alteration in the Charter of the Organization of American States, and that Guatemala is ready to act at all times within the bounds of international agreements to which it is a party. In view of this declaration, the States that previously did not find the reservation acceptable expressed their acceptance.

PERU

With the reservation that the principles of inter-American solidarity and cooperation and essentially those set forth in the preamble and declarations of the Act of Chapultepec constitute standards for the mutual relations between the American States and juridical bases of the inter-American system.

UNITED STATES

That the Senate give its advice and consent to ratification of the Charter with the reservation that none of its provisions shall be considered as enlarging the powers of the Federal Government of the United States or limiting the powers of the several states of the Federal Union with respect to any matters recognized under the Constitution as being within the reserved powers of the several states.

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DECLARATIONS MADE AT THE TIME OF SIGNING THE PROTOCOL

ECUADOR

The Delegation of Ecuador, drawing its inspiration from the devotion of the people and the Government of Ecuador to peace and law, states for the record that the provisions approved with respect to peaceful settlement of disputes do not carry out the purpose of Resolution XIII of the Second Special Inter-American Conference, and that the Permanent Council has not been given sufficient powers to aid the Member States effectively in the peaceful settlement of their disputes.

The Delegation of Ecuador signs this Protocol of Amendment to the Charter of the Organization of American States in the understanding that none of its provisions in any way limits the right of the Member States to take their disputes, whatever their nature and the subject they deal with, to the Organization, so that it may assist the parties and recommend the suitable procedures for peaceful settlement thereof.

PANAMA

The Delegation of Panama, upon signing the Protocol of Amendment to the Charter of the Organization of American States, states that it does so in the understanding that none of its provisions limits or in any way impedes the right of Panama to bring before the Organization any conflict or dispute that may have arisen with another Member State to which a just solution has not been given within a reasonable period after applying, without positive results, any of the procedures for peaceful settlement set forth in Article 21 of the present Charter.

ARGENTINA

On signing the present Protocol, the Argentine Republic reiterates its firm conviction that the amendments introduced in the Charter of the OAS do not duly cover the requirements of the Organization, inasmuch as its basic instrument should contain, in addition to the organic economic, social, and cultural standards, the essential provisions that would make the security system of the Hemisphere effective.

CHARTER OF THE ORGANIZATION OF AMERICAN STATES

Signed at Bogota, April 30, 1948, at the
Ninth International Conference of American States

SIGNATORY COUNTRIES	DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION
Antigua and Barbuda[2]	December 3, 1981
Argentina	April 10, 1956
Bahamas (Commonwealth of)[2]	March 3, 1982
Barbados[2]	November 15, 1967
Bolivia	October 18, 1950[1]
Brazil	March 13, 1950
Chile	June 5, 1953
Colombia	December 13, 1951
Costa Rica	November 16, 1948
Cuba	July 16, 1952
Dominica (Commonwealth of)[2]	May 22, 1979
Dominican Republic	April 22, 1949
Ecuador	December 28, 1950
El Salvador	September 11, 1950
Grenada[2]	May 13, 1975
Guatemala	April 6, 1955[3]
Haiti	March 28, 1951
Honduras	February 7, 1950
Jamaica[2]	August 20, 1969
Mexico	November 23, 1948
Nicaragua	July 26, 1950
Panama	March 22, 1951
Paraguay	May 3, 1950
Peru	February 12, 1954[3]
Saint Christopher and Nevis[2]	March 12, 1984
Saint Lucia[2]	May 22, 1979
Saint Vincent and the Grenadines[2]	December 3, 1981
Suriname[1]	June 8, 1977
Trinidad and Tobago[2]	March 17, 1967
United States	June 19, 1951[3]
Uruguay	September 1, 1955
Venezuela	December 29, 1951

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[1] With a declaration.

[2] Signed at subsequent date, after the conference.

[3] With a reservation.

The original instrument is deposited with the General Secretariat, which is also the depository of the instruments of ratification.

It entered into force December 13, 1951, when the fourteenth ratification was deposited by Colombia. It was registered with the United Nations on January 16, 1952.

PROTOCOL OF AMENDMENT TO THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES "PROTOCOL OF BUENOS AIRES"

Signed at Buenos Aires, February 27, 1967 at the
Third Special Inter-American Conference

SIGNATORY COUNTRIES	DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION
Antigua and Barbuda[2]	December 3, 1981
Argentina[1]	July 21, 1967
Bahamas (Commonwealth of)[2]	March 3, 1982
Barbados[2]	March 16, 1970
Bolivia	February, 27, 1970
Brazil	December 11, 1968
Chile	April 15, 1971
Colombia	February 27, 1970
Costa Rica	June 5, 1968
Dominica (Commonwealth of)[2]	May 22, 1979
Dominican Republic	July 26, 1968
Ecuador[1]	September 30, 1970
El Salvador	July 11, 1968
Grenada[2]	May 13, 1975
Guatemala	January 26, 1968
Haiti	June 19, 1970
Honduras	February 27, 1970
Jamaica[2]	February 27, 1970
Mexico	April 22, 1968
Nicaragua	September 23, 1968
Panama[1]	April 29, 1969
Paraguay	January 23, 1968
Peru	February 27, 1970
Saint Christopher and Nevis[2]	March 12, 1984
Saint Lucia[2]	May 22, 1979
Saint Vincent and the Grenadines[2]	December 3, 1981
Suriname[2]	June 8, 1977
Trinidad and Tobago[2]	May 20, 1968
United States	April 26, 1968
Uruguay	April 16, 1974
Venezuela	October 10, 1968

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[1] With declarations.

[2] Signed at subsequent date, after the conference.

The original instrument is deposited with the General Secretariat, which is also the depository of the instruments of ratification.

This Protocol entered into force on February 27, 1970, in accordance with Article XXVI, which provides as follows: "The present Protocol shall enter into force among the ratifying States when two thirds of the States signatory to the Charter have deposited their instruments of ratification. It shall enter into force with respect to the remaining States in the order in which they deposited their instruments of ratification." Consequently, the Charter of the OAS as amended by this Protocol became effective on the same date.

Protocol of Amendment to the OAS Charter, 1985

PROTOCOL OF AMENDMENT TO THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES

"PROTOCOL OF CARTAGENA DE INDIAS"

IN THE NAME OF THEIR PEOPLES, THE AMERICAN STATES REPRESENTED AT THE FOURTEENTH SPECIAL SESSION OF THE GENERAL ASSEMBLY, MEETING IN CARTAGENA DE INDIAS, COLOMBIA, HAVE AGREED UPON THE FOLLOWING

PROTOCOL OF AMENDMENT TO THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES

ARTICLE I

The text of the Preamble to the Charter of the Organization of American States is modified to read as follows:

IN THE NAME OF THEIR PEOPLES, THE STATES REPRESENTED AT THE NINTH INTERNATIONAL CONFERENCE OF AMERICAN STATES,

Convinced that the historic mission of America is to offer to man a land of liberty and a favorable environment for the development of his personality and the realization of his just aspirations;

Conscious that that mission has already inspired numerous agreements, whose essential value lies in the desire of the American peoples to live together in peace and, through their mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality and under law;

Convinced that representative democracy is an indispensable condition for the stability, peace and development of the region;

Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man;

Persuaded that their welfare and their contribution to the progress and the civilization of the world will increasingly require intensive continental cooperation;

Resolved to persevere in the noble undertaking that humanity has conferred upon the United Nations, whose principles and purposes they solemnly reaffirm;

Convinced that juridical organization is a necessary condition for security and peace founded on moral order and on justice; and

In accordance with Resolution IX of the Inter-American Conference on Problems of War and Peace, held in Mexico City,

ARTICLE II

The texts of the following articles of the Charter of the Organization of American States are amended to read as follows:

Article 1

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence. Within the United Nations, the Organization of American States is a regional agency.

The Organization of American States has no powers other than those expressly conferred upon it by this Charter, none of whose provisions authorizes it to intervene in matters that are within the internal jurisdiction of the Member States.

Article 2

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

a) To strengthen the peace and security of the continent;

b) To promote and consolidate representative democracy, with due respect for the principle of nonintervention;

c) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;

d) To provide for common action on the part of those States in the event of aggression;

e) To seek the solution of political, juridical, and economic problems that may arise among them;

f) To promote, by cooperative action, their economic, social and cultural development, and

g) To achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of the Member States.

Article 3

The American States reaffirm the following principles:

a) International law is the standard of conduct of States in their reciprocal relations;

b) International order consists essentially of respect for the personality, sovereignty, and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;

c) Good faith shall govern the relations between States;

d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;

e) Every State has the right to choose, without external interference, its political, economic, and social system and to organize itself in the way best suited to it, and has the duty to abstain from intervening in the affairs of another State. Subject to the foregoing, the American States shall cooperate fully among themselves, independently of the nature of their political, economic, and social systems;

f) The American States condemn war of aggression: victory does not give rights;

g) An act of aggression against one American State is an act of aggression against all the other American States;

h) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;

i) Social justice and social security are bases of lasting peace;

j) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;

k) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed, or sex;

l) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;

m) The education of peoples should be directed toward justice, freedom and peace.

Article 8

The Permanent Council shall not make any recommendation nor shall the General Assembly take any decision with respect to a request for admission on the part of a political entity whose territory became subject, in whole or in part, prior to December 18, 1964, the date set by the First Special Inter-American Conference, to litigation or claim between an extracontinental country and one or more Member States of the Organization, until the dispute has been ended by some peaceful procedure. This article shall remain in effect until December 10, 1990.

Article 23

International disputes between Member States shall be submitted to the peaceful procedures set forth in this Charter.

This provision shall not be interpreted as an impairment of the rights and obligations of the Member States under Articles 34 and 35 of the Charter of the United Nations.

Article 26

A special treaty will establish adequate means for the settlement of disputes and will determine pertinent procedures for each peaceful means such that no dispute between American States may remain without definitive settlement within a reasonable period of time.

Article 29

The Member States, inspired by the principles of inter-American solidarity and cooperation, pledge themselves to a united effort to ensure international social justice in their relations and integral development for their peoples, as conditions essential to peace and security. Integral development encompasses the economic, social, educational, cultural, scientific and technological fields through which the goals that each country sets for accomplishing it should be achieved.

Article 34

The Member States should refrain from practicing policies and adopting actions or measures that have serious adverse effects on the development of other Member States.

Article 37

The Member States, recognizing the close interdependence between foreign trade and economic and social development, should make individual and united efforts to bring about the following:

a) Favorable conditions of access to world markets for the products of the developing countries of the region, particularly through the reduction or elimination, by importing countries, of tariff and nontariff barriers that affect the exports of the Member States of the Organization, except when such barriers are applied in order to diversify the economic structure, to speed up the development of the less developed Member States, and intensify their process of economic integration, or when they are related to national security or to the needs of economic balance;

b) Continuity in their economic and social development by means of:

   i. Improved conditions for trade in basic commodities through international agreements, where appropriate; orderly marketing procedures that avoid the disruption of markets, and other measures designed to promote the expansion of markets and to obtain dependable incomes for producers, adequate and dependable supplies for consumers, and stable prices that are both remunerative to producers and fair to consumers;

   ii. Improved international financial cooperation and the adoption of other means for lessening the adverse impact of sharp fluctuations in export earnings experienced by the countries exporting basic commodities;

   iii. Diversification of exports and expansion of export opportunities for manufactured and semimanufactured products from the developing countries, and

   iv. Conditions conducive to increasing the real export earnings of the Member States, particularly the developing countries of the region, and to increasing their participation in international trade.

Article 45

The Member States will give primary importance within their development plans to the encouragement of education, science, technology, and culture, oriented toward the overall improvement of the individual, and as a foundation for democracy, social justice and progress.

Article 46

The Member States will cooperate with one another to meet their educational needs, to promote scientific research, and to encourage technological progress for their integral development. They will consider themselves individually and jointly bound to preserve and enrich the cultural heritage of the American peoples.

Article 49

The Member States will develop science and technology through educational, research, and technological development activities and information and dissemination programs. They will stimulate activities in the field of technology for the purpose of adapting it to the needs of their integral development. They will organize their cooperation in these fields efficiently and will substantially increase exchange of knowledge, in accordance with national objectives and laws and with treaties in force.

Article 52

The General Assembly is the supreme organ of the Organization of American States. It has as its principal powers, in addition to such others as are assigned to it by the Charter, the following:

a) To decide the general action and policy of the Organization, determine the structure and functions of its organs, and consider any matter relating to friendly relations among the American States;

b) To establish measures for coordinating the activities of the organs, agencies, and entities of the Organization among themselves, and such activities with those of the other institutions of the inter-American system;

c) To strengthen and coordinate cooperation with the United Nations and its specialized agencies;

d) To promote collaboration, especially in the economic, social, and cultural fields, with other international organizations whose purposes are similar to those of the Organization of American States;

e) To approve the program-budget of the Organization and determine the quotas of the Member States;

f) To consider the reports of the Meeting of Consultation of Ministers of Foreign Affairs and the observations and recommendations presented by the Permanent Council with regard to the reports that should be presented by the other organs and entities, in accordance with the provisions of paragraph f) of Article 91, as well as the reports of any organ which may be required by the General Assembly itself;

g) To adopt general standards to govern the operations of the General Secretariat; and

h) To adopt its own rules of procedure and, by a two-thirds vote, its agenda.

The General Assembly shall exercise its powers in accordance with the provisions of the Charter and of other inter-American treaties.

Article 63

In case of an armed attack on the territory of an American State or within the region of security delimited by the treaty in force, the Chairman of the Permanent Council shall without delay call a meeting of the Council to decide on the convocation of the Meeting of Consultation, without prejudice to the provisions of the Inter-American Treaty of Reciprocal Assistance with regard to the States Parties to that instrument.

Article 81

The Permanent Council shall serve provisionally as the Organ of Consultation in conformity with the provisions of the special treaty on the subject.

Article 90

In performing their functions with respect to the peaceful settlement of disputes, the Permanent Council and the respective ad hoc committee shall observe the provisions of the Charter and the principles and standards of international law, as well as take into account the existence of treaties in force between the parties.

Article 91

The Permanent Council shall also:

a) Carry out those decisions of the General Assembly or of the Meeting of Consultation of Ministers of Foreign Affairs the implementation of which has not been assigned to any other body;

b) Watch over the observance of the standards governing the operation of the General Secretariat and, when the General Assembly is not in session, adopt provisions of a regulatory nature that enable the General Secretariat to carry out its administrative functions;

c) Act as the Preparatory Committee of the General Assembly, in accordance with the terms of Article 58 of the Charter, unless the General Assembly should decide otherwise;

d) Prepare, at the request of the Member States and with the cooperation of the appropriate organs of the Organization, draft agreements to promote and facilitate cooperation between the Organization of American States and the United Nations or between the Organization and other American agencies of recognized international standing. These draft agreements shall be submitted to the General Assembly for approval;

e) Submit recommendations to the General Assembly with regard to the functioning of the Organization and the coordination of its subsidiary organs, agencies, and committees;

f) Consider the reports of the other Councils, of the Inter-American Juridical Committee, of the Inter-American Commission on Human Rights, of the General Secretariat, of specialized agencies and conferences, and of other bodies and agencies, and present to the General Assembly any observations and recommendations it deems necessary; and

g) Perform the other functions assigned to it in the Charter.

Article 107

The Inter-American Juridical Committee shall be composed of eleven jurists, nationals of Member States, elected by the General Assembly for a period of four years from panels of three candidates presented by Member States. In the election, a system shall be used that takes into account partial replacement of membership and, insofar as possible, equitable geographic representation. No two members of the Committee may be nationals of the same State.

Vacancies that occur for reasons other than normal expiration of the terms of office of the members of the Committee shall be filled by the Permanent Council of the Organization in accordance with the criteria set forth in the preceding paragraph.

Article 116

The Secretary General, or his representative, may participate with voice but without vote in all meetings of the Organization.

The Secretary General may bring to the attention of the General Assembly or the Permanent Council any matter which in his opinion might threaten the peace and security of the hemisphere or the development of the Member States.

The authority to which the preceding paragraph refers shall be exercised in accordance with the present Charter.

Article 127

The seat of the General Secretariat is the city of Washington, D.C.

ARTICLE III

The following articles are deleted from the Charter of the Organization of American States: 30, 31, 32, 33, 83, 84, 85, 86, 87 and 88.

ARTICLE IV

The following new articles are added to the Charter of the Organization of American States, as numbered below:

Article 8

Membership in the Organization shall be confined to independent states of the hemisphere that were members of the United Nations as of December 10, 1985, and the nonautonomous territories mentioned in document OEA/Ser.P, AG/doc.1939/85, of November 5, 1985, when they become independent.

Article 30

Inter-American cooperation for integral development is the common and joint responsibility of the Member States, within the framework of the democratic principles and the institutions of the inter-American system. It should include the economic, social, educational, cultural, and scientific and technological fields, support the achievement of national objectives of the Member States, and respect the priorities established by each country in its development plans, without political ties or conditions.

Article 31

Inter-American cooperation for integral development should be continuous and preferably channeled through multilateral organizations, without prejudice to bilateral cooperation between Member States.

The Member States shall contribute to inter-American cooperation for integral development in accordance with their resources and capabilities and in conformity with their laws.

Article 32

Development is a primary responsibility of each country and should constitute an integral and continuous process for the establishment of a more just economic and social order that will make possible and contribute to the fulfillment of the individual.

Article 33

The Member States agree that equality of opportunity, equitable distribution of wealth and income and the full participation of their peoples in decisions relating to their own development are, among others, basic objectives of integral development. To achieve them, they likewise agree to devote their utmost efforts to accomplishing the following basic goals:

a) Substantial and self-sustained increase of per capita national product;

b) Equitable distribution of national income;

c) Adequate and equitable systems of taxation;

d) Modernization of rural life and reforms leading to equitable and efficient land-tenure systems, increased agricultural productivity, expanded use of land, diversification of production and improved processing and marketing systems for agricultural products; and the strengthening and expansion of the means to attain these ends;

e) Accelerated and diversified industrialization, especially of capital and intermediate goods;

f) Stability of domestic price levels, compatible with sustained economic development and the attainment of social justice;

g) Fair wages, employment opportunities, and acceptable working conditions for all;

h) Rapid eradication of illiteracy and expansion of educational opportunities for all;

i) Protection of man's potential through the extension and application of modern medical science;

j) Proper nutrition, especially through the acceleration of national efforts to increase the production and availability of food;

k) Adequate housing for all sectors of the population;

l) Urban conditions that offer the opportunity for a healthful, productive and full life;

m) Promotion of private initiative and investment in harmony with action in the public sector, and

n) Expansion and diversification of exports.

Article 35

Transnational enterprises and foreign private investment shall be subject to the legislation of the host countries and to the jurisdiction of their competent courts and to the international treaties and agreements to which said countries are parties, and should conform to the development policies of the recipient countries.

Article 84

In accordance with the provisions of this Charter, any party to a dispute in which none of the peaceful procedures provided for in the Charter is under way may resort to the Permanent Council to obtain its good offices. The Council, following the provisions of the preceding article, shall assist the parties and recommend the procedures it considers suitable for peaceful settlement of the dispute.

Article 85

In the exercise of its functions and with the consent of the parties to the dispute, the Permanent Council may establish ad hoc committees.

The ad hoc committees shall have the membership and the mandate that the Permanent Council agrees upon in each individual case, with the consent of the parties to the dispute.

Article 86

The Permanent Council may also, by such means as it deems advisable, investigate the facts in the dispute, and may do so in the territory of any of the parties, with the consent of the Government concerned.

Article 87

If the procedure for peaceful settlement of disputes recommended by the Permanent Council or suggested by the pertinent ad hoc committee under the terms of its mandate is not accepted by one of the parties, or one of the parties declares that the procedure has not settled the dispute, the Permanent Council shall so inform the General Assembly, without prejudice to its taking steps to secure agreement between the parties or to restore relations between them.

Article 143

Within the provisions of this Charter, the competent organs shall endeavor to obtain greater collaboration from countries not members of the Organization in the area of cooperation for development.

ARTICLE V

Chapters VII, VIII and IX of the Charter of the Organization of

American States are consolidated into a single Chapter VII entitled "Integral Development."

Therefore the remaining chapters of the Charter will be renumbered at the time the consolidated text thereof referred to in Article X of this Protocol is prepared.

ARTICLE VI

The following articles of the Charter of the Organization of American States shall be renumbered as follows:

8 becomes 151 (transitory provision)
35 becomes 36
36 becomes 37
37 becomes 38
38 becomes 39
39 becomes 40
40 becomes 41
41 becomes 42
42 becomes 43
43 becomes 44
44 becomes 45
45 becomes 46
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133 becomes 132
134 becomes 133
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136 becomes 135
137 becomes 136
138 becomes 137
139 becomes 138
140 becomes 139
141 becomes 140
142 becomes 141
143 becomes 142

ARTICLE VII

The present Protocol shall remain open for signature by the Member States of the Organization of American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the English, French, Portuguese and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the General Secretariat, which shall notify the signatory States of such deposit.

ARTICLE VIII

The present Protocol shall be open for signature and ratification by other American States that, in accordance with their respective constitutional procedures, have signed and ratified the Charter of the Organization of American States, dated April 30, 1948, and the Protocol of Buenos Aires, dated February 27, 1967, which introduced amendments thereto.

ARTICLE IX

The present Protocol shall enter into force when two thirds of the present Member States of the Organization of American States have deposited their instruments of ratification. At the time this requirement is met, it shall also enter into effect for those States not presently members of the Organization that have become members and have deposited their instruments of ratification of this Protocol. This Protocol shall enter into effect for the remaining States on the date on which they deposit their respective instruments of ratification.

ARTICLE X

When the present Protocol enters into force, the General Secretariat shall prepare a consolidated text of the Charter of the Organization of American States that shall include the provisions of that Charter that have not been amended, the amendments in force as introduced by the Protocol of Buenos Aires, and the amendments introduced by the present Protocol. This consolidated text shall be published upon approval by the Permanent Council of the Organization.

ARTICLE XI

The present Protocol shall be registered with the Secretariat of the United Nations through the General Secretariat of the Organization of American States.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, whose powers have been found to be in due and proper form, sign the present Protocol, which shall be called "Protocol of Cartagena de Indias," in the city of Cartagena de Indias, Colombia, on the fifth day of December of the year one thousand nine hundred eighty-five.

STATEMENT BY THE DELEGATION OF PERU

Upon signing this Protocol of Amendment, the Delegation of Peru states that it is only an initial, albeit significant, step in the process of restructuring the inter-American system, as provided for in resolution AG/RES. 745 (XIV-O/84). In order to be complete, this restructuring calls for, among other amendments, the inclusion of collective economic security in the Charter of the Organization. This goes hand in hand with the preservation of peace and security in the hemisphere and also with overall development, which has been included in this amendment. The Delegation of Peru states by way of a reservation that the powers conferred upon the Secretary General in Article 116 may not be exercised for matters that have already been resolved through settlement by the parties or through the decision of an arbitrator or a judgment handed down by an international court, or that are governed by agreements or treaties in force. Also, in accordance with international law, good offices are a means of peaceful settlement whose scope has been specified in international treaties, including the Pact of Bogotá. This procedure assumes the consent of the parties, and it is in this sense that the Delegation of Peru understands the powers conferred upon the Permanent Council in the new Article 84 of this Protocol.

STATEMENT BY THE DELEGATION OF ECUADOR

With regard to the Permanent Council's functions vis-à-vis the peaceful settlement of disputes, the Delegation of Ecuador believes that unilateral recourse by any of the parties to a dispute to obtain the Council's good offices is governed by the obligation that the Permanent Council has, in application of the Charter's principles and lofty purposes for peace, "to assist the parties and to recommend the procedures it considers suitable for the peaceful settlement of the dispute." All of this is now a broad mandate to the Permanent Council to watch over the maintenance of friendly relations among the member states and to assist them effectively in the peaceful settlement of their disputes. Even if the procedure is not accepted by one of the parties, the Council may take steps to achieve an agreement.

PROTOCOL OF AMENDMENT TO THE CHARTER OF THE ORGANIZATION OF AMERICAN STATES "PROTOCOL OF CARTEGENA DE INDIAS"

Signed at Catagena de Indias, Colombia, on December 5, 1985, at the Fourteenth Special Session of the General Assembly

SIGNATORY COUNTRIES	DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION
Antigua and Barbuda[1]	November 24, 1986
Argentina	November 7, 1988
Bahamas (Commonwealth of)	November 7, 1986
Barbados	December 2, 1986
Bolivia	November 16, 1988
Brazil	October 3, 1988
Chile	
Colombia	March 12, 1987
Costa Rica	
Dominica (Commonwealth of)	November 18, 1986
Dominican Republic	December 3, 1986
Ecuador[2]	
El Salvador	November 16, 1988
Grenada	November 12, 1986
Guatemala	
Haiti	
Honduras	April 15, 1987
Jamaica	November 7, 1986
Mexico	October 11, 1988
Nicaragua	November 16, 1988
Panama	
Paraguay	March 27, 1987
Peru[2]	
Saint Christopher and Nevis[1]	December 4, 1986
Saint Lucia	February 6, 1987
Saint Vincent and the Grenadines[1]	September 28, 1987
Suriname	November 12, 1987
Trinidad and Tobago[1]	November 7, 1986
United States[1]	
Uruguay	
Venezuela	

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[1] Signed at subsequent date, after the conference.

[2] With a declaration.

Entry into Force: November 16, 1988 with the deposit of ratification of two-thirds of OAS members.

C. American Treaty of Pacific Settlement (Pact of Bogota), 1948

(In Force but Not for United States)

Signed at Bogotá, Colombia, April 30, 1948

In the name of their peoples, the Governments represented at the Ninth International Conference of American States have resolved, in fulfillment of Article XXIII of the Charter of the Organization of American States, to conclude the following Treaty:

CHAPTER 1. GENERAL OBLIGATION TO SETTLE DISPUTES BY PACIFIC MEANS

ARTICLE I

The High Contracting Parties, solemnly reaffirming their commitments made in earlier international conventions and declarations, as well as in the Charter of the United Nations, agree to refrain from the threat or the use of force, or from any other means of coercion for the settlement of their controversies, and to have recourse at all times to pacific procedures.

ARTICLE II

The High Contracting Parties recognize the obligation to settle international controversies by regional pacific procedures before referring them to the Security Council of the United Nations.

Consequently, in the event that a controversy arises between two or more signatory states which, in the opinion of the parties, cannot be settled by direct negotiations through the usual diplomatic channels, the parties bind themselves to use the procedures established in the present Treaty, in the manner and under the conditions provided for in the following articles, or, alternatively, such special procedures as, in their opinion, will permit them to arrive at a solution.

ARTICLE III

The order of the pacific procedures established in the present Treaty does not signify that the parties may not have recourse to the procedure which they consider most appropriate in each case, or that they should use all these procedures, or that any of them have preference over others except as expressly provided.

ARTICLE IV

Once any pacific procedure has been initiated, whether by agreement between the parties or in fulfillment of the present Treaty or a previous pact, no other procedure may be commenced until that procedure is concluded.

ARTICLE V

The aforesaid procedures may not be applied to matters which, by their nature, are within the domestic jurisdiction of the state. If the parties are not in agreement as to whether the controversy concerns a matter of domestic jurisdiction, this preliminary question shall be submitted to decision by the International Court of Justice, at the request of any of the parties.

ARTICLE VI

The aforesaid procedures, furthermore, may not be applied to matters already settled by arrangements between the parties, or by arbitral award or by decision of an international court, or which are governed by agreements or treaties in force on the date of the conclusion of the present Treaty.

ARTICLE VII

The High Contracting Parties bind themselves not to make diplomatic representations in order to protect their nationals, or to refer a controversy to a court of international jurisdiction for that purpose, when the said nationals have had available the means to place their case before competent domestic courts of the respective state.

ARTICLE VIII

Neither recourse to pacific means for the solution of controversies, nor the recommendations of their use, shall, in the case of an armed attack, be ground for delaying the exercise of the right of individual or collective self-defense, as provided for in the Charter of the United Nations.

Chapter 2. Procedures of Good Offices and Mediation

ARTICLE IX

The procedure of good offices consists in the attempt by one or more American Governments not parties to the controversy, or by one or more eminent citizens of any American State which is not a party to the controversy, to bring the parties together, so as to make it possible for them to reach an adequate solution between themselves.

ARTICLE X

Once the parties have been brought together and have resumed direct negotiations, no further action is to be taken by the states or citizens that have offered their good offices or have accepted an invitation to offer them; they may, however, by agreement between the parties, be present at the negotiations.

ARTICLE XI

The procedure of mediation consists in the submission of the controversy to one or more American Governments not parties to the controversy, or to one or more eminent citizens of any American State not a party to the controversy. In either case the mediator or mediators shall be chosen by mutual agreement between the parties.

ARTICLE XII

The functions of the mediator or mediators shall be to assist the parties in the settlement of controversies in the simplest and most direct manner, avoiding formalities and seeking an acceptable solution. No report shall be made by the mediator and, so far as he is concerned, the proceedings shall be wholly confidential.

ARTICLE XIII

In the event that the High Contracting Parties have agreed to the procedure of mediation but are unable to reach an agreement within two months on the selection of the mediator or mediators, or no solution to the controversy has been reached within five months after mediation has begun, the parties shall have recourse without delay to any one of the other procedures of peaceful settlement established in the present Treaty.

ARTICLE XIV

The High Contracting Parties may offer their mediation, either individually or jointly, but they agree not to do so while the controversy is in process of settlement by any of the other procedures established in the present Treaty.

CHAPTER 3. PROCEDURE OF INVESTIGATION AND CONCILIATION

ARTICLE XV

The procedure of investigation and conciliation consists in the submission of the controversy to a Commission of Investigation and Conciliation, which shall be established in accordance with the provisions established in subsequent articles of the present Treaty, and which shall function within the limitations prescribed therein.

ARTICLE XVI

The party initiating the procedure of investigation and conciliation shall request the Council of the Organization of American States to convoke the Commission of Investigation and Conciliation. The Council for its part shall take immediate steps to convoke it.

Once the request to convoke the Commission has been received, the controversy between the parties shall immediately be suspended, and the parties shall refrain from any act that might make conciliation more difficult. To that end, at the request of one of the parties, the Council of the Organization of American States may, pending the convocation of the Commission, make appropriate recommendations to the parties.

ARTICLE XVII

Each of the High Contracting Parties may appoint, by means of a bilateral agreement consisting of a simple exchange of notes with each of the other signatories, two members of the Commission of Investigation and Conciliation, only one of whom may be of its own nationality. The fifth member, who shall perform the functions of chairman, shall be selected immediately by common agreement of the members thus appointed.

Any one of the contracting parties may remove members whom it has appointed, whether nationals or aliens; at the same time it shall appoint the successor. If this is not done, the removal shall be considered as not having been made. The appointments and substitutions shall be registered with the Pan American Union, which shall endeavor to ensure that the commissions maintain their full complement of five members.

ARTICLE XVIII

Without prejudice to the provisions of the foregoing article, the Pan American Union shall draw up a permanent panel of American conciliators, to be made up as follows:

(a) Each of the High Contracting Parties shall appoint, for three-year periods, two of their nationals who enjoy the highest reputation for fairness, competence and integrity;

(b) The Pan American Union shall request of the candidates notice of their formal acceptance, and it shall place on the panel of conciliators the names of the persons who so notify it;

(c) The governments may, at any time, fill vacancies occurring among their appointees; and they may reappoint their members.

ARTICLE XIX

In the event that a controversy should arise between two or more American States that have not appointed the Commission referred to in Article XVII, the following procedure shall be observed:

(a) Each party shall designate two members from the permanent panel of American conciliators, who are not of the same nationality as the appointing party.

(b) These four members shall in turn choose a fifth member, from the permanent panel, not of the nationality of either party.

(c) If, within a period of thirty days following the notification of their selection, the four members are unable to agree upon a fifth member, they shall each separately list the conciliators composing the permanent panel, in order of their preference, and upon comparison of the lists so prepared, the one who first receives a majority of votes shall be declared elected. The person so elected shall perform the duties of chairman of the Commission.

ARTICLE XX

In convening the Commission of Investigation and Conciliation, the Council of the Organization of American States shall determine the place where the Commission shall meet. Thereafter, the Commission may determine the place or places in which it is to function, taking into account the best facilities for the performance of its work.

ARTICLE XXI

When more than two states are involved in the same controversy, the states that hold similar points of view shall be considered as a single party. If they have different interests they shall be entitled to increase the number of conciliators in order that all parties may have equal representation. The chairman shall be elected in the manner set forth in Article XIX.

ARTICLE XXII

It shall be the duty of the Commission of Investigation and Conciliation to clarify the points in dispute between the parties and to endeavor to bring about an agreement between them upon mutually acceptable terms. The Commission shall institute such investigations of the facts involved in the controversy as it may deem necessary for the purpose of proposing acceptable bases of settlement.

ARTICLE XXIII

It shall be the duty of the parties to facilitate the work of the Commission and to supply it, to the fullest extent possible, with all useful documents and information, and also to use the means at their disposal to enable the Commission to summon and hear witnesses or experts and perform other tasks in the territories of the parties, in conformity with their laws.

ARTICLE XXIV

During the proceedings before the Commission, the parties shall be represented by plenipotentiary delegates or by agents, who shall serve as intermediaries between them and the Commission. The parties and the Commission may use the services of technical advisers and experts.

ARTICLE XXV

The Commission shall conclude its work within a period of six months from the date of its installation; but the parties may, by mutual agreement, extend the period.

ARTICLE XXVI

If, in the opinion of the parties, the controversy relates exclusively to questions of fact, the Commission shall limit itself to investigating such questions, and shall conclude its activities with an appropriate report.

ARTICLE XXVII

If an agreement is reached by conciliation, the final report of the Commission shall be limited to the text of the agreement and shall be published after its transmittal to the parties, unless the parties decide otherwise. If no agreement is reached, the final report shall contain a summary of the work of the Commission; it shall be delivered to the parties, and shall be published after the expiration of six months unless the parties decide otherwise. In both cases, the final report shall be adopted by a majority vote.

ARTICLE XXVIII

The reports and conclusions of the Commission of Investigation and Conciliation shall not be binding upon the parties, either with respect to the statement of facts or in regard to questions of law, and they shall have no other character than that of recommendations submitted for the consideration of the parties in order to facilitate a friendly settlement of the controversy.

ARTICLE XXIX

The Commission of Investigation and Conciliation shall transmit to each of the parties, as well as to the Pan American Union, certified copies of the minutes of its proceedings. These minutes shall not be published unless the parties so decide.

ARTICLE XXX

Each member of the Commission shall receive financial remuneration, the amount of which shall be fixed by agreement between the parties. If the parties do not agree thereon, the Council of the Organization shall determine the remuneration. Each government shall pay its own expenses and an equal share of the common expenses of the Commission, including the aforementioned remunerations.

CHAPTER 4. JUDICIAL PROCEDURE

ARTICLE XXXI

In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize, in relation to any other American State, the jurisdiction of the Court as compulsory *ipso facto*, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridicial nature that arise among them concerning:

(a) The interpretation of a treaty;

(b) Any question of international law;

(c) The existence of any fact which, if established, would constitute the breach of an international obligation;

(d) The nature or extent of the reparation to be made for the breach of an international obligation.

ARTICLE XXXII

When the conciliation procedure previously established in the present Treaty or by agreement of the parties does not lead to a solution, and the said parties have not agreed upon an arbitral procedure, either of them shall be entitled to have recourse to the International Court of Justice in the manner prescribed in Article 40 of the Statute thereof. The Court shall have compulsory jurisdiction in accordance with Article 36, paragraph 1, of the said Statute.

ARTICLE XXXIII

If the parties fail to agree as to whether the Court has jurisdiction over the controversy, the Court itself shall first decide that question.

ARTICLE XXXIV

If the Court, for the reasons set forth in Articles V, VI and VII of this Treaty, declares itself to be without jurisdiction to hear the controversy, such controversy shall be declared ended.

ARTICLE XXXV

If the Court for any other reason declares itself to be without jurisdiction to hear and adjudge the controversy, the High Contracting Parties obligate themselves to submit it to arbitration, in accordance with the provisions of Chapter Five of this Treaty.

ARTICLE XXXVI

In the case of controversies submitted to the judicial procedure to which this Treaty refers, the decision shall devolve upon the full Court, or, if the parties so request, upon a special chamber in conformity with Article 26 of the Statute of the Court. The parties may agree, moreover, to have the controversy decided *ex aequo et bono*.

ARTICLE XXXVII

The procedure to be followed by the Court shall be that established in the Statute thereof.

CHAPTER 5. PROCEDURE OF ARBITRATION

ARTICLE XXXVIII

Notwithstanding the provisions of Chapter 4 of this Treaty, the High Contracting Parties may, if they so agree, submit to arbitration differences of any kind, whether juridical or not, that have arisen or may arise in the future between them.

ARTICLE XXXIX

The Arbitral Tribunal to which a controversy is to be submitted shall, in the cases contemplated in Articles XXXV and XXXVIII of the present Treaty, be constituted in the following manner, unless there exists an agreement to the contrary.

ARTICLE XL

(1) Within a period of two months after notification of the decision of the Court in the case provided for in Article XXXV, each party shall name one arbiter of recognized competence in questions of international law and of the highest integrity, and shall transmit the designation to the Council of the Organization. At the same time, each party shall present to the Council a list of ten jurists chosen from among those on the general panel of members of the Permanent Court of Arbitration of The Hague who do not belong to its national group and who are willing to be members of the Arbitral Tribunal.

(2) The Council of the Organization shall, within the month following the presentation of the lists, proceed to establish the Arbitral Tribunal in the following manner:

(a) If the lists presented by the parties contain three names in common, such persons, together with the two directly named by the parties, shall constitute the Arbitral Tribunal;

(b) In case these lists contain more than three names in common, the three arbiters needed to complete the Tribunal shall be selected by lot;

(c) In the circumstances envisaged in the two preceding clauses, the five arbiters designated shall choose one of their number as presiding officer;

(d) If the lists contain only two names in common, such candidates and the two arbiters directly selected by the parties shall by common agreement choose the fifth arbiter, who shall preside over the Tribunal. The choice shall devolve upon a jurist on the aforesaid general panel of the Permanent Court of Arbitration of The Hague who has not been included in the lists drawn up by the parties;

(e) If the lists contain only one name in common, that person shall be a member of the Tribunal, and another name shall be chosen by lot from among the eighteen jurists remaining on the above-mentioned lists. The presiding officer shall be elected in accordance with the procedure established in the preceding clause;

(f) If the lists contain no names in common, one arbiter shall be chosen by lot from each of the lists; and the fifth arbiter, who shall act as presiding officer, shall be chosen in the manner previously indicated;

(g) If the four arbiters cannot agree upon a fifth arbiter within one month after the Council of the Organization has notified them of their appointment, each of them shall separately arrange the list of jurists in the order of their preference and, after comparison of the lists so formed, the person who first obtains a majority vote shall be declared elected.

ARTICLE XLI

The parties may be mutual agreement establish the Tribunal in the manner they deem most appropriate; they may even select a single arbiter, designating in such case a chief of state, an eminent jurist, or any court of justice in which the parties have mutual confidence.

ARTICLE XLII

When more than two states are involved in the same controversy, the states defending the same interests shall be considered as a single party. If they have opposing interests they shall have the right to increase the number of arbiters so that all parties may have equal representation. The presiding officer shall be selected by the method established in Article XL.

ARTICLE XLIII

The parties shall in each case draw up a special agreement clearly defining the specific matter that is the subject of the controversy, the seat of the Tribunal, the rules of procedure to be observed, the period within which the award is to be handed down, and such other conditions as they may agree upon among themselves.

If the special agreement cannot be drawn up within three months after the date of the installation of the Tribunal, it shall be drawn up by the International Court of Justice through summary procedure, and shall be binding upon the parties.

ARTICLE XLIV

The parties may be represented before the Arbitral Tribunal by such persons as they may designate.

ARTICLE XLV

If one of the parties fails to designate its arbiter and present its list of candidates within the period provided for in Article XL, the other party shall have the right to request the Council of the Organization to establish the Arbitral Tribunal. The Council shall immediately urge the delinquent party to fulfill its obligations within an additional period of fifteen days, after which time the Council itself shall establish the Tribunal in the following manner:

(a) It shall select a name by lot from the list presented by the petitioning party.

(b) It shall choose, by absolute majority vote, two jurists from the general panel of the Permanent Court of Arbitration of The Hague who do not belong to the national group of any of the parties.

(c) The three persons so designated, together with the one directly chosen by the petitioning party, shall select the fifth arbiter, who shall act as presiding officer, in the manner provided for in Article XL.

(d) Once the Tribunal is installed, the procedure established in Article XLIII shall be followed.

ARTICLE XLVI

The award shall be accompanied by a supporting opinion, shall be adopted by a majority vote, and shall be published after notification thereof has been given to the parties. The dissenting arbiter or arbiters shall have the right to state the grounds for their dissent.

The award, once it is duly handed down and made known to the parties, shall settle the controversy definitively, shall not be subject to appeal, and shall be carried out immediately.

ARTICLE XLVII

Any differences that arise in regard to the interpretation or execution of the award shall be submitted to the decision of the Arbitral Tribunal that rendered the award.

ARTICLE XLVIII

Within a year after notification thereof, the award shall be subject to review by the same Tribunal at the request of one of the parties, provided a previously existing fact is discovered unknown to the Tribunal and to the party requesting the review, and provided the Tribunal is of the opinion that such fact might have a decisive influence on the award.

ARTICLE XLIX

Every member of the Tribunal shall receive financial remuneration, the amount of which shall be fixed by agreement between the parties. If the parties do not agree on the amount, the Council of the Organization shall determine the remuneration. Each Government shall pay its own expenses and an equal share of the common expenses of the Tribunal, including the aforementioned remunerations.

Chapter 6. Fulfillment of Decisions

ARTICLE L

If one of the High Contracting Parties should fail to carry out the obligations imposed upon it by a decision of the International Court of Justice or by an arbitral award, the other party or parties concerned shall, before resorting to the Security Council of the United Nations, propose a Meeting of Consultation of Ministers of Foreign Affairs to agree upon appropriate measures to ensure the fulfillment of the judicial decision or arbitral award.

Chapter 7. Advisory Opinions

ARTICLE LI

The parties concerned in the solution of a controversy may, by agreement, petition the General Assembly or the Security Council of the United Nations to request an advisory opinion of the International Court of Justice on any juridical question.

The petition shall be made through the Council of the Organization of American States.

Chapter 8. Final Provisions

ARTICLE LII

The present Treaty shall be ratified by the High Contracting Parties in accordance with their constitutional procedures. The original instrument shall be deposited in the Pan American Union, which shall transmit an authentic certified copy to each Government for the purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union, which shall notify the signatory governments of the deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE LIII

This Treaty shall come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

ARTICLE LIV

Any American State which is not a signatory to the present Treaty, or which has made reservations thereto, may adhere to it, or may withdraw its reservations in whole or in part, by transmitting an official instrument to the Pan American Union, which shall notify the other High Contracting Parties in the manner herein established.

ARTICLE LV

Should any of the High Contracting Parties make reservations concerning the present Treaty, such reservations shall, with respect to the state that makes them, apply to all signatory states on the basis of reciprocity.

ARTICLE LVI

The present Treaty shall remain in force indefinitely, but may be denounced upon one year's notice, at the end of which period it shall cease to be in force with respect to the state denouncing it, but shall continue in force for the remaining signatories. The denunciation shall be addressed to the Pan American Union, which shall transmit it to the other Contracting Parties.

The denunciation shall have no effect with respect to pending procedures initiated prior to the transmission of the particular notification.

ARTICLE LVII

The present Treaty shall be registered with the Secretariat of the United Nations through the Pan American Union.

ARTICLE LVIII

As this Treaty comes into effect through the successive ratifications of the High Contracting Parties, the following treaties, conventions and protocols shall cease to be in force with respect to such parties:

Treaty to Avoid or Prevent Conflicts between the American States, of May 3, 1923;

General Convention of Inter-American Conciliation, of January 5, 1929;

General Treaty of Inter-American Arbitration and Additional Protocol of Progressive Arbitration, of January 5, 1929;

Additional Protocol to the General Convention of Inter-American Conciliation, of December 26, 1933;

Anti-War Treaty of Non-Aggression and Conciliation, of October 10, 1933;

Convention to Coordinate, Extend and Assure the Fulfillment of the Existing Treaties between the American States, of December 23, 1936;

Inter-American Treaty on Good Offices and Mediation, of December 23, 1936;

Treaty on the Prevention of Controversies, of December 23, 1936.

ARTICLE LIX

The provisions of the foregoing Article shall not apply to procedures already initiated or agreed upon in accordance with any of the above-mentioned international instruments.

ARTICLE LX

The present Treaty shall be called the "PACT OF BOGOTÁ)."

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers, found to be in good and due form, sign the present Treaty, in the name of their respective Governments, on the dates appearing below their signatures.

Done at the City of Bogotá, in four texts, in the English, French, Portuguese and Spanish languages respectively, on the thirtieth day of April, nineteen hundred forty-eight.

RESERVATIONS

Argentina

"The Delegation of the Argentine Republic, on signing the American Treaty on Pacific Settlement (Pact of Bogotá), makes reservations in regard to the following articles, to which it does not adhere:

(1) VII, concerning the protection of aliens;

(2) Chapter 4 (Articles XXXI to XXXVII), Judicial Procedure;

(3) Chapter 5 (Articles XXXVIII to XLIX), Procedure of Arbitration;

(4) Chapter 6 (Article L), Fulfillment of Decisions.

Arbitration and judicial procedure have, as institutions, the firm adherence of the Argentine Republic, but the Delegation cannot accept the form in which the procedures for their application have been regulated, since, in its opinion, they should have been established only for controversies arising in the future and not originating in or having any relation to causes, situations or facts existing before the signing of this instrument. The compulsory execution of arbitral or judicial decisions and the limitation which prevents the states from judging for themselves in regard to matters that pertain to their domestic jurisdiction in accordance with Article V are contrary to Argentine tradition. The protection of aliens, who in the Argentine Republic are protected by its Supreme Law to the same extent as the nationals, is also contrary to that tradition."

Bolivia

"The Delegation of Bolivia makes a reservation with regard to Article VI, inasmuch as it considers that pacific procedures may also be applied to controversies arising from matters settled by arrangement between the Parties, when the said arrangement affects the vital interests of a state."

Ecuador

"The Delegation of Ecuador, upon signing this Pact, makes an express reservation with regard to Article VI and also every provision that contradicts or is not in harmony with the principles proclaimed by or the stipulations contained in the Charter of the United Nations, the Charter of the Organization of American States, or the Constitution of the Republic of Ecuador."

United States of America

"1. The United States does not undertake as the complainant State to submit to the International Court of Justice any controversy which is not considered to be properly within the jurisdiction of the Court.

2. The submission on the part of the United States of any controversy to arbitration, as distinguished from judicial settlement, shall be dependent upon the conclusion of a special agreement between the parties to the case.

3. The acceptance by the United States of the jurisdiction of the International Court of Justice as compulsory *ipso facto* and without special agreement, as provided in this Treaty, is limited by any jurisdictional or other limitations contained in any Declaration deposited by the United States under Article 36, paragraph 4, of the Statute of the Court, and in force at the time of the submission of any case.

4. The Government of the United States cannot accept Article VII relating to diplomatic protection and the exhaustion of remedies. For its part, the Government of the United States maintains the rules of diplomatic protection, including the rule of exhaustion of local remedies by aliens, as provided by international law."

Paraguay

"The Delegation of Paraguay makes the following reservation:

Paraguay stipulates the prior agreement of the parties as a prerequisite to the arbitration procedure established in this Treaty for every question of a nonjudicial nature affecting national sovereignty and not specifically agreed upon in treaties now in force."

Peru

"The Delegation of Peru makes the following reservations:

1. Reservation with regard to the second part of Article V, because it considers that domestic jurisdiction should be defined by the state itself.

2. Reservation with regard to Article XXXIII and the pertinent part of Article XXXIV, inasmuch as it considers that the exceptions of *res judicata*, resolved by settlement between the parties or governed by agreements and treaties in force, determine, in virtue of their objective and peremptory nature, the exclusion of these cases from the application of every procedure.

3. Reservation with regard to Article XXXV, in the sense that, before arbitration is resorted to, there may be, at the request of one of the parties, a meeting of the Organ of Consultation, as established in the Charter of the Organization of American States.

4. Reservation with regard to Article LXV, because it believes that arbitration set up without the participation of one of the parties is in contradiction with its constitutional provisions."

Nicaragua

"The Nicaraguan Delegation, on giving its approval to the American Treaty on Pacific Settlement (Pact of Bogotá) wishes to record expressly that no provisions contained in the said Treaty may prejudice any position assumed by the Government of Nicaragua with respect to arbitral decisions the validity of which it has contested on the basis of the principles of international law, which clearly permit arbitral decisions to be attacked when they are adjudged to be null or invalidated. Consequently, the signature of the Nicaraguan Delegation to the Treaty in question cannot be alleged as an acceptance of any arbitral decisions that Nicaragua has contested and the validity of which is not certain.

Hence the Nicaraguan Delegation reiterates the statement made on the 28th of the current month on approving the text of the abovementioned Treaty in Committee III."

AMERICAN TREATY ON PACIFIC SETTLEMENT "PACT OF BOGOTA"

Signed at Bogota, April 30, 1948, at the
Ninth International Conference of American States

SIGNATORY COUNTRIES	DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION
Argentina[1]	
Bolivia[1]	
Brazil	November 16, 1965
Chile	April 15, 1974[2]
Colombia	November 6, 1968
Costa Rica	May 6, 1949
Cuba	
Dominican Republic	September 12, 1950
Ecuador[1]	
El Salvador	September 11, 1950
Guatemala	
Haiti	March 28, 1951
Honduras	February 7, 1950
Mexico	November 23, 1948
Nicaragua[1]	July 26, 1950[2]
Panama[1]	April 25, 1951
Paraguay[1]	July 27, 1967
Peru[1]	May 26, 1967[2]
United States[1]	
Uruguay	September 1, 1955
Venezuela	

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[1] Signed with a reservation.

[2] Ratified with a reservation.

Source: Department of Legal Affairs, General Secretariat of OAS.

Entry into Force: May 6, 1949, in accordance with Article 53 of the Treaty.

D. American Declaration of the Rights and Duties of Man, 1948

(Approved by the Ninth International Conference of American States)

Whereas:

The American peoples have acknowledged the dignity of the individual, and their national constitutions recognize that juridical and political institutions, which regulate life in human society, have as their principal aim the protection of the essential rights of man and the creation of circumstances that will permit him to achieve spiritual and material progress and attain happiness;

The American states have on repeated occasions recognized that the essential rights of man are not derived from the fact that he is a national of a certain state, but are based upon attributes of his human personality;

The international protection of the rights of man should be the principal guide of an evolving American law;

The affirmation of essential human rights by the American states together with the guarantees given by the internal regimes of the states establish the initial system of protection considered by the American states as being suited to the present social and juridical conditions, not without a recognition on their part that they should increasingly strengthen that system in the international field as conditions become more favorable,

The Ninth International Conference of American States

Agrees:

To adopt the following.

AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN

PREAMBLE

All men are born free and equal, in dignity and in rights, and, being endowed by nature with reason and conscience, they should conduct themselves as brothers one to another.

The fulfillment of duty by each individual is a prerequisite to the rights of all. Rights and duties are interrelated in every social and political activity of man. While rights exalt individual liberty, duties express the dignity of that liberty.

Duties of a juridical nature presuppose others of a moral nature which support them in principle and constitute their basis.

Inasmuch as spiritual development is the supreme end of human existence and the highest expression thereof, it is the duty of man to serve that end with all his strength and resources.

Since culture is the highest social and historical expression of that spiritual development, it is the duty of man to preserve, practice and foster culture by every means within his power.

And, since moral conduct constitutes the noblest flowering of culture, it is the duty of every man always to hold it in high respect.

CHAPTER ONE

RIGHTS

Article I. Every human being has the right to life, liberty and the security of his person. (Right to life, liberty and personal security.)

Article II. All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor. (Right to equality before the law.)

Article III. Every person has the right freely to profess a religious faith, and to manifest and practice it both in public and in private. (Right to religious freedom and worship.)

Article IV. Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever. (Right to freedom of investigation, opinion, expression and dissemination.)

Article V. Every person has the right to the protection of the law against abusive attacks upon his honor, his reputation, and his private and family life. (Right to protection of honor, personal reputation, and private and family life.)

Article VI. Every person has the right to establish a family, the basic element of society, and to receive protection therefor. (Right to a family and to the protection thereof.)

Article VII. All women, during pregnancy and the nursing period, and all children have the right to special protection, care and aid. (Right to protection for mothers and children.)

Article VIII. Every person has the right to fix his residence within the territory of the state of which he is a national, to move about freely within such territory, and not to leave it except by his own will. (Right to residence and movement.)

Article IX. Every person has the right to the inviolability of his home. (Right to inviolability of the home.)

Article X. Every person has the right to the inviolability and transmission of his correspondence. (Right to the inviolability and transmission of correspondence.)

Article XI. Every person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing and medical care, to the extent permitted by public and community resources. (Right to the preservation of health and to well-being.)

Article XII. Every person has the right to an education, which should be based on the principles of liberty, morality and human solidarity. (Right to education.)

Likewise every person has the right to an education that will prepare him to attain a decent life, to raise his standard of living, and to be a useful member of society.

The right to an education includes the right to equality of opportunity in every case, in accordance with natural talents, merit and the desire to utilize the resources that the state or the community is in a position to provide.

Every person has the right to receive, free, at least a primary education.

Article XIII. Every person has the right to take part in the cultural life of the community, to enjoy the arts, and to participate in the benefits that result from intellectual progress, especially scientific discoveries. (Right to the benefits of culture.)

He likewise has the right to the protection of his moral and material interests as regards his inventions or any literary, scientific or artistic works of which he is the author.

Article XIV. Every person has the right to work, under proper conditions, and to follow his vocation freely, in so far as existing conditions of employment permit. (Right to work and to fair remuneration.)

Every person who works has the right to receive such remuneration as will, in proportion to his capacity and skill, assure him a standard of living suitable for himself and for his family.

Article XV. Every person has the right to leisure time, to wholesome recreation, and to the opportunity for advantageous of his free time to his spiritual, cultural and physical benefit. (Right to leisure time and to the use thereof.)

Article XVI. Every person has the right to social security which will protect him from the consequences of unemployment, old age, and any disabilities arising from causes beyond his control that make it physically or mentally impossible for him to earn a living. (Right to social security.)

Article XVII. Every person has the right to be recognized everywhere as a person having rights and obligations, and to enjoy the basic civil rights. (Right to recognition of juridicial personality and of civil rights.)

Article XVIII. Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights. (Right to a fair trial.)

Article XIX. Every person has the right to the nationality to which he is entitled by law and to change it, if he so wishes, for the nationality of any other country that is willing to grant it to him. (Right to nationality.)

Article XX. Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections which shall be by secret ballot, and shall be honest, periodic and free. (Right to vote and to participate in government.)

Article XXI. Every person has the right to assemble peaceably with others in a formal public meeting or an informal gathering, in connection with matters of common interest of any nature. (Right of assembly.)

Article XXII. Every person has the right to associate with others to promote, exercise and protect his legitimate interests of a political, economic, religious, social, cultural, professional, labor union or other nature. (Right of association.)

Article XXIII. Every person has a right to own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home. (Right to property.)

Article XXIV. Every person has the right to submit respectful petitions to any competent authority, for reasons of either general or private interest, and the right to obtain a prompt decision thereon. (Right of petition.)

Article XXV. No person may be deprived of his liberty except in the cases and according to the procedures established by preexisting law. (Right of protection from arbitrary arrest.)

No person may be deprived of liberty for nonfulfillment of obligations of a purely civil character.

Every individual who has been deprived of his liberty has the right to have the legality of his detention ascertained without delay by a court, and the right to be tried without undue delay or, otherwise, to be released. He also has the right to humane treatment during the time he is in custody.

Article XXVI. Every accused person is presumed to be innocent until proved guilty. (Right to due process of law.)

Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous or unusual punishment.

Article XXVII. Every person has the right, in case of pursuit not resulting from ordinary crimes, to seek and receive asylum in foreign territory, in accordance with the laws of each country and with international agreements. (Right of asylum.)

Article XXVIII. The rights of man are limited by the rights of others, by the security of all, and by the just demands of the general welfare and the advancement of democracy. (Scope of the rights of man.)

Chapter Two

DUTIES

Article XXIX. It is the duty of the individual so to conduct himself in relation to others that each and every one may fully form and develop his personality. (Duties to society.)

Article XXX. It is the duty of every person to aid, support, educate and protect his minor children, and it is the duty of children to honor their parents always and to aid, support and protect them when they need it. (Duties toward children and parents.)

Article XXXI. It is the duty of every person to acquire at least an elementary education. (Duty to receive instruction.)

Article XXXII. It is the duty of every person to vote in the popular elections of the country of which he is a national, when he is legally capable of doing so. (Duty to vote.)

Article XXXIII. It is the duty of every person to obey the law and other legitimate commands of the authorities of his country and those of the country in which he may be. (Duty to obey the law.)

Article XXXIV. It is the duty of every able-bodied person to render whatever civil and military service his country may require for its defense and preservation, and, in case of public disaster, to render such services as may be in his power. (Duty to serve the community and the nation.)

It is likewise his duty to hold any public office to which he may be elected by popular vote in the state of which he is a national.

Article XXXV. It is the duty of every person to cooperate with the state and the community with respect to social security and welfare, in accordance with his ability and with existing circumstances. (Duties with respect to social security and welfare.)

Article XXXVI. It is the duty of every person to pay the tax established by law for the support of public services. (Duty to pay taxes.)

Article XXXVII. It is the duty of every person to work, as far as his capacity and possibilities permit, in order to obtain the means of livelihood or to benefit his community. (Duty to work.)

Article XXXVIII. It is the duty of every person to refrain from taking part in political actvities that, according to law, are reserved exclusively to the citizens of the state in which he is an alien. (Duty to refrain from political activities in a foreign country.)

E. Caracas Declaration of Solidarity, 1954[1]

Whereas:

The American republics at the Ninth International Conference of American States declared that international communism, by its antidemocratic nature and its interventionist tendency, is incompatible with the concept of American freedom and resolved to adopt within their respective territories the measures necessary to eradicate and prevent subversive activities;

The Fourth Meeting of Consultation of Ministers of Foreign Affairs recognized that, in addition to adequate internal measures in each state, a high degree of international cooperation is required to eradicate the danger which the subversive activities of international communism pose for the American States; and

The aggressive character of the international communist movement continues to constitute, in the context of world affairs, a special and immediate threat to the national institutions and the peace and security of the American States, and to the right of each state to develop its cultural, political, and economic life freely and naturally without intervention in its internal or external affairs by other States,

The Tenth Inter-American Conference

I

Condemns:

The activities of the international communist movement as constituting intervention in American affairs;

Expresses:

The determination of the American States to take the necessary measures to protect their political independence against the intervention of international communism, acting in the interests of an alien despotism;

Reiterates:

The faith of the peoples of America in the effective exercise of representative democracy as the best means to promote their social and political progress; and

Declares:

That the domination or control of the political institutions of any American State by the international communist movement extending to this Hemisphere the political system of an extra continental power, would constitute a threat to the sovereignty and political independence of the American States, endangering the peace of America, and would call for a meeting of consultation to consider the adoption of appropriate action in accordance with existing treaties.

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[1] Declaration of Solidarity for the Preservation of the Political Integrity of the American States Against International Communist Intervention, Adopted by the Tenth Inter-American Conference, March 28, 1954. The Tenth Inter-American Conference, meeting at Caracas, Venezuela, March 1–28, 1954, adopted 117 resolutions and 3 conventions. On the Caracas Declaration of Solidarity, 17 voted in favor, Mexico and Argentina abstaining, and Guatemala voted against; Costa Rica subsequently notified the United States of its support of the resolution.

II

RECOMMENDS:

That without prejudice to such other measures as they may consider desirable, special attention be given by each of the American governments to the following steps for the purpose of counteracting the subversive activities of the international communist movement within their respective jurisdictions:

1. Measures to require disclosure of the identity, activities, and sources of funds, of those who are spreading propaganda of the international communist movement or who travel in the interests of that movement, and of those who act as its agents or in its behalf; and
2. The exchange of information among governments to assist in fulfilling the purpose of the resolutions adopted by the Inter-American Conferences and Meetings of Ministers of Foreign Affairs regarding international communism.

III

This declaration of foreign policy made by the American republics in relation to dangers originating outside this hemisphere is designed to protect and not to impair the inalienable right of each American State freely to choose its own form of government and economic system and to live its own social and cultural life.

F. Act of Bogota, 1960

Text of Act of Bogotá, recommending Measures for Social Improvement and Economic Development within the Framework of Operation Pan America, adopted by the Council of the Organization of American States on September 13, 1960, and approved by the Council in a resolution dated October 11, 1960

The Special Committee to Study the Formulation of New Measures for Economic Cooperation,

RECOGNIZING that the preservation and strengthening of free and democratic institutions in the American republics requires the acceleration of social and economic progress in Latin America adequate to meet the legitimate aspirations of the peoples of the Americas for a better life and to provide them the fullest opportunity to improve their status;

RECOGNIZING that the interests of the American republics are so interrelated that sound social and economic progress in each is of importance to all and that lack of it in any American republic may have serious repercussions in others;

COGNIZANT of the steps already taken by many American republics to cope with the serious economic and social problems confronting them, but convinced that the magnitude of these problems calls for redoubled efforts by governments and for a new and vigorous program of inter-American cooperation;

RECOGNIZING that economic development programs, which should be urgently strengthened and expanded, may have a delayed effect on social welfare, and that accordingly early measures are needed to cope with social needs;

RECOGNIZING that the success of a cooperative program of economic and social progress will require maximum self-help efforts on the part of the American republics and, in many cases, the improvement of existing institutions and practices, particularly in the fields of taxation, the ownership and use of land, education and training, health and housing;

BELIEVING it opportune to give further practical expression to the spirit of Operation Pan America by immediately enlarging the opportunities of the people of Latin America for social progress, thus strengthening of their hopes for the future;

CONSIDERING it advisable to launch a program for social development, in which emphasis should be given to those measures that meet social needs and also promote increases in productivity and strengthen economic development,

RECOMMENDS to the Council of the Organization of American States:

I. MEASURES FOR SOCIAL IMPROVEMENT

An inter-American program for social development should be established which should be directed to the carying out of the following measures of social improvement in Latin America, as considered appropriate in each country:

A. Measures for the improvement of conditions of rural living and land use

1. The examination of existing legal and institutional systems with respect to:

   a. land tenure legislation and facilities with a view to ensuring a wider and more equitable distribution of the ownership of land, in a manner consistent with the objectives of employment, productivity and economic growth;

   b. agricultural credit institutions with a view to providing adequate financing to individual farmers or groups of farmers;

   c. tax systems and procedures and fiscal policies with a view to assuring equity of taxation and encouraging improved use of land, especially of privately-owned land which is idle.

2. The initiation or acceleration of appropriate programs to modernize and improve the existing legal and institutional framework to ensure better conditions of land tenure, extend more adequate credit facilities and provide increased incentives in the land tax structure.

3. The acceleration of the preparation of projects and programs for:

   a. land reclamation and land settlement, with a view to promoting more widespread ownership and efficient use of land, particularly of unutilized or under-utilized land;

   b. the increase of the productivity of land already in use; and

   c. the construction of farm-to-market and access roads.

4. The adoption or acceleration of other government service programs designed particularly to assist the smaller farmer, such as new or improved marketing organizations; extension services; research and basic surveys; and demonstration, education, and training facilities.

B. Measures for the improvement of housing and community facilities

1. The examination of existing policies in the field of housing and community facilities, including urban and regional planning, with a view to improving such policies, strengthening public institutions and promoting private initiative and participation in programs in these fields. Special consideration should be given to encouraging financial institutions to invest in low-cost housing on a long-term basis and in building and construction industries.

2. The strengthening of the existing legal and institutional framework for mobilizing financial resources to provide better housing and related facilities for the people and to create new institutions for this purpose when necessary. Special consideration should be given to legislation and measures which would encourage the establishment and growth of:

   a. private financing institutions, such as building and loan associations;

   b. institutions to insure sound housing loans against loss;

   c. institutions to serve as a secondary market for home mortgages;

   d. institutions to provide financial assistance to local communities for the development of families such as water supply, sanitation and other public works.

Existing national institutions should be utilized, wherever practical and appropriate, in the application of external resources to further the development of housing and community facilities.

3. The expansion of home building industries through such measures as the training of craftsman and other personnel, research, the introduction of new techniques, and the development of construction standards for low- and medium-cost housing.

4. The lending of encouragement and assistance to programs, on a pilot basis, for aided self-help housing, for the acquisition and subdivision of land for low-cost housing developments, and for industrial housing projects.

C. Measures for the improvement of educational systems and training facilities

1. The reexamination of educational systems, giving particular attention:

   a. the development of modern methods of mass education for the eradication of illiteracy;

   b. the adequacy of training in the industrial arts and sciences with due emphasis on laboratory and work experience and on the practical application of knowledge for the solution of social and economic problems;

   c. the need to provide instruction in rural schools not only in basic subjects but also in agriculture, health, sanitation, nutrition, and in methods of home and community improvement;

   d. the broadening of courses of study in secondary schools to provide the training necessary for clerical and executive personnel in industry, commerce, public administration, and community service;

   e. specialized trade and industrial education related to the commercial and industrial needs of the community;

   f. vocational agricultural instruction;

   g. advanced education of administrators, engineers, economists, and other professional personnel of key importance to economic development.

D. Measures for the improvement of public health

1. The reexamination of programs and policies of public health, giving particular attention to:

   a. strengthening the expansion of national and local health services, especially those directed to the reduction of infant mortality;

   b. the progressive development of health insurance systems, including those providing for maternity, accident and disability insurance, in urban and rural areas;

   c. the provision of hospital and health service in areas located away from main centers of population;

   d. the extension of public medical services to areas of exceptional need;

   e. the strengthening of campaigns for the control or elimination of communicable diseases with special attention to the eradication of malaria;

   f. the provision of water supply facilities for purposes of health and economic development;

   g. the training of public health officials and technicians;

   h. the strengthening of programs of nutrition for low-income groups.

E. Measures for the mobilization of domestic resources

1. This program shall be carried out within the framework of the maximum creation of domestic savings and of the improvement of fiscal and financial practices;

2. The equity and effectiveness of existing tax schedules, assessment practices and collection procedures shall be examined with a view to providing additional revenue for the purpose of this program;

3. The allocation of tax revenues shall be reviewed, having in mind an adequate provision of such revenues to the areas of social development mentioned in the foregoing paragraphs.

II. CREATION OF A SPECIAL FUND FOR SOCIAL DEVELOPMENT

1. The delegations of the Governments of the Latin American republics welcome the decision of the Government of the United States to establish a special inter-American fund for social development, with the Inter-American Development Bank to become the primary mechanism for the administration of the fund.

2. It is understood that the purpose of the special fund would be to contribute capital resources and technical assistance on flexible terms and conditions, including repayment in local currency and the relending of repaid funds, in accordance with appropriate and selective criteria in the light of the resources available, to support the efforts of the Latin American countries that are prepared to initiate or expand effective institutional improvements and to adopt measures to employ efficiently their own resources with a view to achieving greater social progress and more balanced economic growth.

III. MEASURES FOR ECONOMIC DEVELOPMENT

The Special Committee,

HAVING IN VIEW Resolution VII adopted at the Seventh Meeting of Consultation of Ministers of Foreign Affairs expressing the need for the maximum contribution of member countries in hemisphere cooperation in the struggle against underdevelopment, in pursuance of the objectives of Operation Pan America,

EXPRESSES ITS CONVICTION:

1. That within the framework of Operation Pan America, the economic development of Latin America requires prompt action of exceptional breadth in the field of international cooperation and domestic effort comprising:

   a. additional public and private financial assistance on the part of capital exporting countries of America, Western Europe, and international lending agencies within the framework of their charters, with special attention to:

      i. the need for loans on flexible terms and conditions, including, whenever advisable in the light of the balance of payments situation of individual countries, the possibility of repayment in local currency,

      ii. the desirability of the adequate preparation and implementation of development projects and plans, within the framework of the monetary, fiscal and exchange policies necessary for their effectiveness, utilizing as appropriate the technical assistance of inter-American and international agencies.

iii. the advisability, in special cases, of extending foreign financing for the coverage of local expenditures;

b. mobilization of additional domestic capital, both public and private;

c. technical assistance by the appropriate international agencies in the preparation and implementation of national and regional Latin American development projects and plans;

d. the necessity for developing and strengthening credit facilities for small and medium private business, agriculture and industry.

RECOMMENDS:

1. That special attention be given to an expansion of long-term lending, particularly in view of the instability of exchange earnings of countries exporting primary products and of the unfavourable effect of the excessive accumulation of short- and medium-term debt on continuing and orderly economic development.

2. That urgent attention be given to the search for effective and practical ways, appropriate to each commodity, to deal with the problem of the instability of exchange earnings of countries heavily dependent upon the exportation of primary products.

IV. MULTILATERAL COOPERATION FOR SOCIAL AND ECONOMIC PROGRESS

The Special Committee,

CONSIDERING the need for providing instruments and mechanisms for the implementation of the program of inter-American economic and social cooperation which would periodically review the progress made and propose measures for further mobilization of resources,

RECOMMENDS:

1. That the Inter-American Economic and Social Council undertake to organize annual consultative meetings to review the social and economic progress of member countries, to analyze and discuss the progress achieved and the problems encountered in each country, to exchange opinions on possible measures that might be adopted to intensify further social and economic progress, within the framework of Operation Pan America, and to prepare reports on the outlook for the future. Such annual meetings should begin with an examination by experts and terminate with a session at the ministerial level.

2. That the Council of the Organization of American States convene within 60 days of the date of this Act a special meeting of senior government representatives to find ways of strengthening and improving the ability of the Inter-American Economic and Social Council to render effective assistance to governments with a view to achieving the objectives enumerated below, taking into account the proposal submitted by the delegation of Argentina in Document CECE/III-13:

a. To further the economic and social development of Latin American countries;

b. To promote trade between the countries of the Western Hemisphere as well as between them and extra-continental countries;

c. To facilitate the flow of capital and the extension of credits to the countries of Latin America from both the Western Hemisphere and from extra-continental sources.

3. The special meeting shall:

a. Examine the existing structure of the Inter-American Economic and Social Council, and of the units of the Secretariat of the Organization of American States working in the economic and social fields, with a view to strengthening and improving the Inter-American Economic and Social Council;

b. Determine the means of strengthening inter-American economic and social cooperation by an administrative reform of the Secretariat, which should be given sufficient technical, administrative and financial flexibility for the adequate fulfillment of its tasks;

c. Formulate recommendations designed to assure effective coordination between the Inter-American Economic and Social Council, the Economic Commission for Latin America, the Inter-American Development Bank, the United Nations and its Specialized Agencies and other agencies offering technical advice and services in the Western Hemisphere.

d. Propose procedures designed to establish effective liaison of the Inter-American Economic and Social Council and other regional American organizations with other international organizations for the purpose of study, discussion and consultation in the fields of international trade and financial and technical assistance;

e. And formulate appropriate recommendations to the Council of the Organization of American States.

In approving the Act of Bogotá the Delegations to the Special Committee, convinced that the people of the Americas can achieve a better life only within the democratic system, renew their faith in the essential values which lie at the base of Western civilization, and reaffirm their determination to assure the fullest measure of well-being to the people of the Americas under conditions of freedom and respect for the supreme dignity of the individual.

G. Charter of the Alliance for Progress

Declaration of Punta del Este, 1961[1]

DECLARATION TO THE PEOPLES OF AMERICA

Assembled in Punta del Este, inspired by the principles consecrated in the Charter of the Organization of American States, in Operation Pan America and in the Act of Bogotá, the representatives of the American Republics hereby agree to establish an Alliance for Progress; a vast effort to bring a better life to all the people of the Continent.

This Alliance is established on the basic principle that free men working through the institution of representative democracy can best satisfy man's aspirations, including those for work, home and land, health and schools. No system can guarantee true progress unless it affirms the dignity of the individual which is the foundation of our civilization.

Therefore the countries signing this declaration in the exercise of their sovereignty have agreed to work toward the following goals during the coming years:

To improve and strengthen democratic institutions through application of the principle of self-determination by the people.

To accelerate economic and social development, thus rapidly bringing about a substantial and steady increase in the average income in order to narrow the gap between the standard of living in Latin American countries and that enjoyed in the industrialized countries.

To carry out urban and rural housing programs to provide decent homes for all our people.

To encourage, in accordance with the characteristics of each country, programs of comprehensive agrarian reform, leading to the effective transformation, where required, of unjust structures and systems of land tenure and use; with a view to replacing latifundia and dwarf holdings by an equitable system of property so that, supplemented by timely and adequate credit, technical assistance and improved marketing arrangements, the land will become, for the man who works it, the basis of his economic stability, the foundation of his increasing welfare, and the guarantee of his freedom and dignity.

To assure fair wages and satisfactory working conditions to all our workers; to establish effective systems of labor-management relations and procedures for consultation and cooperation among government authorities, employers' associations, and trade unions in the interests of social and economic development.

To wipe out illiteracy; to extend, as quickly as possible, the benefits of primary education to all Latin Americans; and to provide broader facilities, on a vast scale, for secondary and technical training and for higher education.

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[1] The special meeting of the Inter-American Economic and Social Council which began at Punta del Este, Uruguay, on August 5 was concluded on August 17 with the signing of a declaration and a charter by all members of the Organization of American States except Cuba.

To press forward with programs of health and sanitation in order to prevent sickness, combat contagious disease, and strengthen our human potential.

To reform tax laws, demanding more from those who have most, to punish tax evasion severely, and to redistribute the national income in order to benefit those who are most in need, while, at the same time, promoting savings and investment and reinvestment of capital.

To maintain monetary and fiscal policies which, while avoiding the disastrous effects of inflation or deflation, will protect the purchasing power of the many, guarantee the greatest possible price stability, and form an adequate basis for economic development.

To stimulate private enterprise in order to encourage the development of Latin American countries at a rate which will help them to provide jobs for their growing populations, to eliminate unemployment, and to take their place among the modern industrialized nations of the world.

To find a quick and lasting solution to the grave problem created by excessive price fluctuations in the basic exports of Latin American countries on which their prosperity so heavily depends.

To accelerate the integration of Latin America so as to stimulate the economic and social development of the Continent. This process has already begun through the General Treaty of Economic Integration of Central America and, in other countries, through the Latin American Free Trade Association.

This declaration expresses the conviction of the nations of Latin America that these profound economic, social, and cultural changes can come about only through the self-help efforts of each country. Nonetheless, in order to achieve the goals which have been established with the necessary speed, domestic efforts must be reinforced by essential contributions of external assistance.

The United States, for its part, pledges its efforts to supply financial and technical cooperation in order to achieve the aims of the Alliance for Progress. To this end, the United States will provide a major part of the minimum of twenty billion dollars principally in public funds, which Latin America will require over the next ten years from all external sources in order to supplement its own efforts.

The United States will provide from public funds as an immediate contribution to the economic and social progress of Latin America, more than one billion dollars during the twelve months which began on March 13, 1961, when the Alliance for Progress was announced.

The United States intends to furnish development loans on a long-term basis, where appropriate, running up to fifty years and at very low or zero rates of interest.

For their part, the countries of Latin America agree to devote a steadily increasing share of their own resources to economic and social development, and to make their reforms necessary to assure that all share fully in the fruits of the Alliance for Progress.

Further, as a contribution to the Alliance for Progress, each of the countries of Latin America will formulate comprehensive and well-conceived national programs for the development of its own economy.

Independent and highly qualified experts will be made available to Latin American countries in order to assist in formulating and examining national development plans.

Conscious of the overriding importance of this declaration, the signatory countries declare that the Inter-American community is now beginning a new era, when it will supplement its institutional, legal, cultural and social accomplishment with immediate and concrete actions to secure a better life, under freedom and democracy, for the present and future generations.

The Charter of Punta del Este, Establishing an Alliance for Progress Within the Framework of Operation Pan America, 1961[1]

PREAMBLE

We, the American Republics, hereby proclaim our decision to unite in a common effort to bring our people accelerated economic progress and broader social justice within the framework of personal dignity and political liberty.

Almost two hundred years ago we began in this Hemisphere the long struggle for freedom which now inspires people in all parts of the world. Today, in ancient lands, men moved to hope by the revolutions of your young nations search for liberty. Now we must give a new meaning to that revolutionary heritage. For America stands at a turning point in history. The men and women of our Hemisphere are reaching for the better life which today's skills have placed within their grasp. They are determined for themselves and their children to have decent and ever more abundant lives, to gain access to knowledge and equal opportunity for all, to end those conditions which benefit the few at the expense of the needs and dignity of the many. It is our inescapable task to fulfill these just desires—to demonstrate to the poor and forsaken of our countries, and of all lands, that the creative powers of free men hold the key to their progress and to the progress of future generations. And our certainty of ultimate success rests not alone on our faith in ourselves and in our nations but on the indomitable spirit of free man which has been the heritage of American civilization.

Inspired by these principles, and by the principles of Operation Pan America and the Act of Bogotá, the American Republics hereby resolve to adopt the following program of action to establish and carry forward an Alliance for Progress.

TITLE I. OBJECTIVE OF THE ALLIANCE FOR PROGRESS

It is the purpose of the Alliance for Progress to enlist the full energies of the people and governments of the American republics in a great cooperative effort to accelerate the economic and social development of the participating countries of Latin America, so that they may achieve maximum levels of well-being, with equal opportunities for all, in democratic societies adapted to their own needs and desires.

The American Republics agree to work toward the achievement of the following fundamental goals in the present decade:

1. To achieve in the participating Latin American countries a substantial and sustained growth of per capita income at a rate designed

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[1] The special meeting of the Inter-American Economic and Social Council which began at Punta del Este, Uruguay, on August 5, 1961, was concluded on August 17, 1961, with the signing of a declaration and a charter by all members of the Organization of American States except Cuba.

to attain, at the earliest possible date, levels of income capable of assuring self-sustaining development, and sufficient to make Latin American income levels constantly larger in relation to the levels of the more industrialized nations. In this way the gap between the living standards of Latin America and those of the more developed countries can be narrowed. Similarly, presently existing differences in income levels among the Latin American countries will be reduced by accelerating the development of the relatively less developed countries and granting them maximum priority in the distribution of resources and in international cooperation in general. In evaluating the degree of relative development, account will be taken not only of average levels of real income and gross product per capita, but also of indices of infant mortality, illiteracy, and per capita daily caloric intake.

It is recognized that, in order to reach these objectives within a reasonable time, the rate of economic growth in any country of Latin America should be not less than 2.5 percent per capita per year, and that each participating country should determine its own growth target in the light of its stage of social and economic evolution, resource endowment, and ability to mobilize national efforts for development.

2. To make the benefits of economic progress available to all citizens of all economic and social groups through a more equitable distribution of national income, raising more rapidly the income and standard of living of the needier sectors of the population, at the same time that a higher proportion of the national product is devoted to investment.

3. To achieve balanced diversification in national economic structures, both regional and functional, making them increasingly free from dependence on the export of a limited number of primary products and the importation of capital goods while attaining stability in the prices of exports or in income derived from exports.

4. To accelerate the process of rational industrialization so as to increase the productivity of the economy as a whole, taking full advantage of the talents and energies of both the private and public sectors, utilizing the natural resources of the country and providing productive and remunerative employment for unemployed or part-time workers. Within this process of industrialization, special attention should be given to the establishment and development of capital-goods industries.

5. To raise greatly the level of agricultural productivity and output and to improve related storage, transportation, and marketing services.

6. To encourage, in accordance with the characteristics of each country, programs of comprehensive agrarian reform leading to the effective transformation, where required, of unjust structures and systems of land tenure and use, with a view to replacing latifundia and dwarf holdings by an equitable system of land tenure so that, with the help of timely and adequate credit, technical assistance and facilities for the marketing and distribution of products, the land will become for the man who works it the basis of his economic stability, the foundation of his increasing welfare, and the guarantee of his freedom and dignity.

7. To eliminate adult illiteracy and by 1970 to assure, as a minimum, access to 6 years of primary education for each school-age child in Latin America; to modernize and expand vocational, secondary and higher educational and training facilities, to strengthen the capacity

for basic and applied research; and to provide the competent personnel required in rapidly-growing societies.

8. To increase life expectancy at birth by a minimum of 5 years, and to increase the ability to learn and produce, by improving individual and public health. To attain this goal it will be necessary, among other measures, to provide adequate potable water supply and sewage disposal to not less than 70 percent of the urban and 50 percent of the rural population; to reduce the mortality rate of children less than 5 years of age by at least one-half; to control the more serious communicable diseases, according to their importance as a cause of sickness, disability, and death; to eradicate those illnesses, especially malaria, for which effective techniques are known; to improve nutrition; to train medical and health personnel to meet at least minimum requirements; to improve basic health services at national and local levels; and to intensify scientific research and apply its results more fully and effectively to the prevention and cure of illness.

9. To increase the construction of low-cost houses for low-income families in order to replace inadequate and deficient housing and to reduce housing shortages; and to provide necessary public services to both urban and rural centers of population.

10. To maintain stable price levels, avoiding inflation or deflation and the consequent social hardships and maldistribution of resources, always bearing in mind the necessity of maintaining an adequate rate of economic growth.

11. To strengthen existing agreements on economic integration, with a view to the ultimate fulfillment of aspirations for a Latin American common market that will expand and diversify trade among the Latin American countries and thus contribute to the economic growth of the region.

12. To develop cooperative programs designed to prevent the harmful effects of excessive fluctuations in the foreign exchange earnings derived from exports of primary products, which are of vital importance to economic and social development; and to adopt the measures necessary to facilitate the access of Latin American exports to goals it will be necessary:

TITLE II. ECONOMIC AND SOCIAL DEVELOPMENT

CHAPTER I. BASIC REQUIREMENTS FOR ECONOMIC AND SOCIAL DEVELOPMENT

The American Republics recognize that to achieve the foregoing goals it will be necessary:

1. That comprehensive and well-conceived national programs of economic and social development, aimed at the achievement of self-sustaining growth, be carried out in accordance with democratic principles.

2. That national programs of economic and social development be based on the principle of self-help—as established in the Act of Bogotá—and on the maximum use of domestic resources, taking into account the special conditions of each country.

3. That in the preparation and execution of plans for economic and social development, women should be placed on an equal footing with men.

4. That the Latin American countries obtain sufficient external financial assistance, a substantial portion of which should be extended on flexible conditions with respect to periods and terms of repayment and forms of utilization, in order to supplement domestic capital formation and reinforce their import capacity; and that, in support of well-conceived programs, which include the necessary structural reforms and measures for the mobilization of internal resources, a supply of capital from all external sources during the coming 10 years of at least 20 billion dollars be made available to the Latin American countries, with priority to the relatively less developed countries. The greater part of this sum should be in public funds.

5. That institutions in both the public and private sectors, including labor organizations, cooperatives, and commercial, industrial, and financial institutions, be strengthened and improved for the increasing and effective use of domestic resources, and that the social reforms necessary to permit a fair distribution of the fruits of economic and social progress be carried out.

CHAPTER II. NATIONAL DEVELOPMENT PROGRAMS

1. Participating Latin American countries agree to introduce or strengthen systems for the preparation, execution, and periodic revision of national programs for economic and social development consistent with the principles, objectives, and requirements contained in this document. Participating Latin American countries should formulate, if possible within the next eighteen months, long-term development programs. Such programs should embrace, according to the characteristics of each country, the elements outlined in the Appendix.

2. National development programs should incorporate self-help efforts directed to:

a. Improvement of human resources and widening of opportunities by raising general standards of education and health; improving and extending technical education and professional training with emphasis on science and technology; providing adequate remuneration for work performed, encouraging the talents of managers, entrepreneurs, and wage earners; providing more productive employment for underemployed manpower; establishing effective systems of labor relations, and procedures for consultation and collaboration among public authorities, employer associations, and labor organizations; promoting the establishment and expansion of local institutions for basic and applied research; and improving the standards of public administration.

b. Wider development and more efficient use of natural resources, especially those which are now idle or under-utilized, including measures for the processing of raw materials.

c. The strengthening of the agricultural base, progressively, extending the benefits of the land to those who work it, and ensuring in countries with Indian populations the integration of these populations into the economic, social, and cultural processes of modern life. To carry out these aims, measures should be adopted, among others, to establish or improve, as the case may be, the following services: extension, credit, technical assistance, agricultural research and mechanization; health and education; storage and distribution; cooperatives and farmers' associations; and community development.

d. More effective, rational and equitable mobilization and use of financial resources through the reform of tax structures, including fair and adequate taxation of large incomes and real estate, and the strict application of measures to improve fiscal administration. Development programs should include the adaptation of budget expenditures to development needs, measures for the maintenance of price stability, the creation of essential credit facilities at reasonable rates of interest, and the encouragement of private savings.

e. Promotion through appropriate measures, including the signing of agreements for the purpose of reducing or eliminating double taxation, of conditions that will encourage the flow of foreign investments and help to increase the capital resources of participating countries in need of capital.

f. Improvement of systems distribution and sales in order to make markets more competitive and prevent monopolistic practices.

CHAPTER III. IMMEDIATE AND SHORT-TERM ACTION MEASURES

1. Recognizing that a number of Latin American countries, despite their best efforts, may require emergency financial assistance, the United States will provide assistance from the funds which are or may be established for such purposes. The United States stands ready to take prompt action on applications for such assistance. Applications relating to existing situations should be submitted within the next 60 days.

2. Participating Latin American countries should, in addition to creating or strengthening machinery for long-term development programing, immediately increase their efforts to accelerate their development by giving special emphasis to the following objectives:

a. The completion of projects already underway and the initiation of projects for which the basic studies have been made, in order to accelerate their financing and execution.

b. The implementation of new projects which are designed:

(1) To meet the most pressing social needs and benefit directly the greatest number of people;

(2) To concentrate efforts within each country in the less developed or more depressed areas in which particularly serious social problems exist;

(3) To utilize idle capacity or resources, particularly under-employed manpower; and

(4) To survey and assess natural resources.

c. The facilitation of the preparation and execution of long-term programs through measures designed:

(1) To train teachers, technicians. and specialists;

(2) To provide accelerated training to workers and farmers;

(3) To improve basic statistics;

(4) To establish needed credit and marketing facilities; and

(5) To improve services and administration.

3. The United States will assist in carrying out these short-term measures with a view to achieving concrete results from the Alliance for Progress at the earliest possible moment. In connection with the measures set forth above, and in accordance with the statement of President Kennedy, the United States will provide assistance under the Alliance, including assistance for the financing of short-term measures, totaling more than one billion dollars in a year ending March 1962.

CHAPTER IV. EXTERNAL ASSISTANCE IN SUPPORT OF NATIONAL DEVELOPMENT PROGRAMS

1. The economic and social development of Latin America will require a large amount of additional public and private financial assistance on the part of capital-exporting countries, including the members of the Development Assistance Group and international lending agencies. The measures provided for in the Act of Bogotá and the new measures provided for in this Charter, are designed to create a framework within which such additional assistance can be provided and effectively utilized.

2. The United States will assist those participating countries whose development programs establish self-help measures and economic and social policies and programs consistent with the goals and principles of this Charter. To supplement the domestic efforts of such countries, the United States is prepared to allocate resources which, along with those anticipated from other external sources, will be of a scope and magnitude adequate to realize the goals envisaged in this Charter. Such assistance will be allocated to both social and economic development and, where appropriate, will take the form of grants or loans on flexible terms and conditions. The participating countries will request the assistance of other capital-exporting countries and appropriate institutions so that they may provide assistance for the attainment of these objectives.

3. The United States will assist in the financing of technical assistance projects proposed by a participating country or by the General Secretariat of the Organization of American States for the purpose of:

a. Providing experts contracted in agreement with governments to work under their direction and to assist them in the preparation of specific investment projects and the strengthening of national mechanisms for preparing projects, using specialized engineering firms where appropriate;

b. Carrying out, pursuant to existing agreements for cooperation among the General Secretariat of the Organization of American States, the Economic Commission for Latin America, and the Inter-American Development Bank, field investigations and studies, including those relating to development problems, the organization of national planning agencies and the preparation of development programs, agrarian reform and rural development, health, cooperatives, housing, education and professional training, and taxation and tax administration; and

c. Convening meetings of experts and officials on development and related problems.

The governments or above mentioned organizations should, when appropriate, seek the cooperation of the United Nations and its specialized agencies in the execution of these activities.

4. The participating Latin American countries recognize that each has in varying degree a capacity to assist fellow republics by providing technical and financial assistance. They recognize that this capacity will increase as their economies grow. They therefore affirm their intention to assist fellow republics increasingly as their individual circumstances permit.

CHAPTER V. ORGANIZATION AND PROCEDURES

1. In order to provide technical assistance for the formulation of development programs, as may be requested by participating nations, the Organization of American States, the Economic Commission for Latin America, and the Inter-American Development Bank will continue and strengthen their agreements for coordination in this field in order to have available a group of programming experts whose service can be used to facilitate the implementation of this Charter. The participating countries will also seek an intensification of technical assistance from the specialized agencies of the United Nations for the same purpose.

2. The Inter-American Economic and Social Council, on the joint nomination of the Secretary General of the Organization of American States, the President of the Inter-American Development Bank, and the Executive Secretary of the United Nations Economic Commission for Latin America, will appoint a panel of nine high-level experts, exclusively on the basis of their experience, technical ability, and competence in the various aspects of economic and social development. The experts may be of any nationality, though if of Latin American origin an appropriate geographical distribution will be sought. They will be attached to the Inter-American Economic and Social Council, but will nevertheless enjoy complete autonomy in the performance of their duties. They may not hold any other remunerative position. The appointment of these experts will be for a period of three years, and may be renewed.

3. Each government, if it so wishes, may present its program for economic and social development for consideration by an ad hoc committee, composed of no more than three members drawn from the panel of experts referred to in the preceding paragraph together with an equal number of experts not on the panel. The experts who compose the ad hoc committee will be appointed by the Secretary General of the Organization of American States at the request of the interested government and with its consent.

4. The committee will study the development program, exchange opinions with the interested government as to possible modifications and, with the consent of the government, report its conclusions to the Inter-American Development Bank and to other governments and institutions that may be prepared to extend external financial and technical assistance in connection with the execution of the program.

5. In considering a development program presented to it, the ad hoc committee will examine the consistency of the program with the principles of the Act of Bogotá and of this Charter, taking into account the elements in the Appendix.

6. The General Secretariat of the Organization of American States will provide the personnel needed by the experts referred to in paragraphs 2 and 3 of this Chapter in order to fulfill their tasks. Such personnel may be employed specifically for this purpose or may be made available from the permanent staffs of the Organization of American States, the Economic Commission for Latin America, and the Inter-American Development Bank, in accordance with the present liaison arrangements between the three organizations. The General Secretariat of the Organization of American States may seek arrangements with the United Nations Secretariat, its specialized agencies and the Inter-American Specialized Organizations, for the temporary assignment of necessary personnel.

7. A government whose development program has been the object of recommendations made by the ad hoc committee with respect to external financing requirements may submit the program to the Inter-American Development Bank so that the Bank may undertake the negotiations required to obtain such financing, including the organization of a consortium of credit institutions and governments disposed to contribute to the continuing and systematic financing, on appropriate terms, of the development program. However, the government will have full freedom to resort through any other channels to all sources of financing, for the purpose of obtaining, in full or in part, the required resources.

The ad hoc committee shall not interfere with the right of each government to formulate its own goals, priorities, and reforms in its national development programs.

The recommendations of the ad hoc committee will be of great importance in determining the distribution of public funds under the Alliance for Progress which contribute to the external financing of such programs. These recommendations shall give special consideration of Title I.1.

The participating governments will also use their good offices to the end that these recommendations may be accepted as a factor of great importance in the decisions taken, for the same purpose, by inter-American credit institutions, other international credit agencies, and other friendly governments which may be potential sources of capital.

8. The Inter-American Economic and Social Council will review annually the progress achieved in the formulation, national implementation, and international financing of development programs: and will submit to the Council of the Organization of American States such recommendations as it deems pertinent.

Appendix

ELEMENTS OF NATIONAL DEVELOPMENT PROGRAMS

1. The establishment of mutually consistent targets to be aimed at over the program period in expending productive capacity in industry, agriculture, mining, transport, power and communications, and

in improving conditions of urban and rural life, including better housing, education and health.

2. The assignment of priorities and the description of methods to achieve the targets, including specific measures and major projects. Specific development projects should be justified in terms of their relative costs and benefits, including their contribution to social productivity.

3. The measures which will be adopted to direct the operations of the public sector and to encourage private action in support of the development program.

4. The estimated cost, in national and foreign currency, of major projects and of the development program as a whole, year by year over the program period.

5. The internal resources, public and private, estimated to become available for the execution of the programs.

6 .The direct and indirect effects of the programs on the balance of payments, and the external financing, public and private, estimated to be required for the execution of the program.

7. The basic fiscal and monetary policies to be followed in order to permit implementation of the program within a framework of price stability.

8. The machinery of public administration—including relationships with local governments, decentralized agencies and nongovernmental organizations, such as labor organizations, cooperatives, business and industrial organizations—to be used in carrying out the program, adapting it to changing circumstances and evaluating the progress made.

TITLE III. ECONOMIC INTEGRATION OF LATIN AMERICA

The Amerircan Republics consider that the broadening of present national markets in Latin America is essential to accelerate the process of economic development in the hemisphere. It is also an appropriate means for obtaining greater productivity through specialized and complementary industrial production which will, in turn, facilitate the attainment of greater social benefits for the inhabitants of the various regions of Latin America. The broadening of markets will also make possible the better use of resources under the Alliance for Progress. Consequently, the American Republics recognize that:

1. The Montevideo Treaty (because of its flexibility and because it is open to adherence of all of the Latin American nations) and the Central American Treaty of Economic Integration are appropriate instruments for the attainment of these objectives, as was recognized in Resolution No. 11 (III) of the Ninth Session of the Economic Commission for Latin America.

2. The integration process can be intensified and accelerated not only by the specialization resulting from the broadening of markets through the liberalization of trade but also through the use of such instruments as the agreements of complementary production within economic sectors provided for in the Montevideo Treaty.

3. In order to assure the balanced and complementary economic expansion of all of the countries involved, the integration process should take into account, on a flexible basis, the condition of countries at a relatively advanced stage of economic development, permitting them to be granted special, fair, and equitable treatment.

4. In order to facilitate economic integration in Latin America, it is advisable to establish effective relationships between the Latin American Free Trade Association and the group of countries adhering to the Central American Economic Integration Treaty, as well as between either of these groups and other Latin American countries. These arrangements should be established within the limits determined by these instruments.

5. The Latin American countries should coordinate their actions to meet the unfavorable treatment accorded to their foreign trade in world markets, particularly that resulting from certain restrictive and discriminatory policies of extracontinental countries and economic groups.

6. In the application of resources under the Alliance for Progress, special attention should be given not only to investments for multinational projects that will contribute to strengthening the integration process in all its aspects, but also to the necessary financing of industrial production, and to the growing expansion of trade in industrial products within Latin America.

7. In order to facilitate the participation of countries at a relatively lower stage of economic development in multinational Latin American economic cooperation programs, and in order to promote the balanced and harmonious development of the Latin American integration process, special attention should be given to the needs of these countries in the administration of financial resources provided under the Alliance for Progress, particularly in connection with infrastructure programs and the promotion of new lines of production.

8. The economic integration process implies a need for additional investment in various fields of economic activity and funds provided under the Alliance for Progress should cover these needs as well as those required for the financing of national development programs.

9. When groups of Latin American countries have their own institutions for financing economic integration, the financing referred to in the preceding paragraph should preferably be channeled through these institutions. With respect to regional financing designed to further the purposes of existing regional integration instruments, the cooperation of the Inter-American Development Bank should be sought in channeling extra-regional contributions which may be granted for these purposes.

10. One of the possible means for making effective a policy for the financing of Latin American integration would be to approach the International Monetary Fund and other financial sources with a view to providing a means for solving temporary balance-of-payments problems that may occur in countries participating in economic integration arrangements.

11. The promotion and coordination of transportation and communications systems is an effective way to accelerate the integration process. In order to counteract abusive practices in relation to freight rates and tariffs, it is advisable to encourage the establishment of multinational transport and communication enterprises in the Latin American countries, or to find other appropriate solutions.

12. In working toward economic integration and complementary economies, efforts should be made to achieve an appropriate coordination of national plans, or to engage in joint planning for various

economies through the existing regional integration organizations. Efforts should also be made to promote an investment policy directed to the progressive elimination of unequal growth rates in the different geographic areas, particularly in the case of countries which are relatively less developed.

13. It is necessary to promote the development of national Latin American enterprises, in order that they may compete on an equal footing with foreign enterprises.

14. The active participation of the private sector is essential to economic integration and development, and except in those countries in which free enterprise does not exist, development planning by the pertinent national public agencies, far from hindering such participation, can facilitate and guide it, thus opening new perspectives for the benefit of the community.

15. As the countries of the Hemisphere still under colonial domination achieve their independence, they should be invited to participate in Latin American economic integration programs.

TITLE IV. BASIC EXPORT COMMODITIES

The American Republics recognize that the economic development of Latin America requires expansion of its trade, a simultaneous and corresponding increase in foreign exchange incomes received from exports, a lessening of cyclical or seasonal fluctuations in the incomes of those countries that still depend heavily on the export of raw materials, and the correction of the secular deterioration in their terms of trade.

They therefore agree that the following measures should be taken:

CHAPTER I. NATIONAL MEASURES

National measures affecting commerce in primary products should be directed and applied in order to:

1. Avoid undue obstacles to the expansion of trade in these products;
2. Avoid market instability;
3. Improve the efficiency of international plans and mechanisms for stabilization; and
4. Increase their present markets and expand their area of trade at a rate compatible with rapid development.

Therefore:

A. Importing member countries should reduce and if possible eliminate, as soon as feasible, all restrictions and discriminatory practices affecting the consumption and importation of primary products, including those with the highest possible degree of processing in the country of origin, except when these restrictions are imposed temporarily for purposes of economic diversification, to hasten the economic development of less developed nations, or to establish basic national reserves. Importing countries should also be ready to support, by adequate regulations, stabilization programs for primary products that may be agreed upon with producing countries.

B. Industrialized countries should give special attention to the need for hastening economic development of less developed countries. Therefore, they should make maximum efforts to create conditions, compatible with their international obligations, through which they may extend advantages to less developed countries so as to permit the rapid expansion of their markets. In view of the great need for this rapid development, industrialized countries should also study ways in which to modify, wherever possible, international commitments which prevent the achievement of this objective.

C. Producing member countries should formulate their plans for production and export, taking account of their effect on world markets and of the necessity of supporting and improving the effectiveness of international stabilization programs and mechanisms. Similarly they should try to avoid increasing the uneconomic production of goods which can be obtained under better conditions in the less developed countries of the Continent, in which the production of these goods is an important source of employment.

D. Member countries should adopt all necessary measures to direct technological studies toward finding new uses and byproducts of those primary commodities that are most important to their economies.

E. Member countries should try to reduce, and, if possible, eliminate within a reasonable time export subsidies and other measures which cases instability in the markets for basic commodities and excessive fluctuations in prices and income.

CHAPTER II. INTERNATIONAL COOPERATION MEASURES

1. Member countries should make coordinated, and if possible, joint efforts designed:

a. To eliminate as soon as possible undue protection of the production of basic products;

b. To eliminate taxes and reduce excessive domestic prices which discourage the consumption of imported basic products;

c. To seek to end preferential agreements and other measures which limit world consumption of Latin American basic products and their access to international markets, especially the markets of Western European countries in process of economic integration, and of countries with centrally planned economies; and

d. To adopt the necessary consultation mechanisms so that their marketing policies will not have damaging effects on the stability of the markets for basic commodities.

2. Industrialized countries should give maximum cooperation to less developed countries so that their raw material exports will have the greatest degree of processing that is economic.

3. Through their representation in international financial organizations, member countries should suggest that these organizations, when considering loans for the promotion of production for export, take into account the effect of such loans on products which are in surplus in world markets.

4. Member countries should support the efforts being made by international commodity study groups and by the Commission on International Commodity Trade of the United Nations. In this connection, it should be considered that producing and consuming nations bear a joint responsibility for taking national and international steps to reduce market instability.

5. The Secretary General of the Organization of American States shall convene a group of experts appointed by their respective Governments to meet before November 30, 1961 and to report, not later than March 31, 1962 on measures to provide an adequate and effective means of offsetting the effects of fluctuations in the volume and prices of exports of basic products. The experts shall:

a. Consider the questions regarding compensatory financing raised during the present meeting;

b. Analyze the proposal for establishing an international fund for the stabilization of export receipts contained in the Report of the Group of Experts to the Special Meeting of the Inter-American Economic and Social Council, as well as any other alternative proposals;

c. Prepare a draft plan for the creation of mechanisms for compensatory financing. This draft plan should be circulated among the member Governments and their opinions obtained well in advance of the next meeting of the Commission on International Commodity Trade.

6. Member countries should support the efforts under way to improve and strengthen international commodity agreements and should be prepared to cooperate in the solution of specific commodity problems. Furthermore, they should endeavor to adopt adequate solutions for the short- and long-term problems affecting markets for such commodities so that the economic interests of producers and consumers are equally safeguarded.

7. Member countries should request other producer and consumer countries to cooperate in stabilization programs, bearing in mind that the raw materials of the Western Hemisphere are also produced and consumed in other parts of the world.

8. Member countries recognize that the disposal of accumulated reserves and surpluses can be a means of achieving the goals outlined in the first chapter of this Title, provided that, along with the generation of local resources, the consumption of essential products in the receiving countries is immediately increased. The disposal of surpluses and reserves should be carried out in an orderly manner, in order to:

a. Avoid disturbing existing commercial markets in member countries; and

b. Encourage expansion of the sale of their products to other markets.

However, it is recognized that:

a. The disposal of surpluses should not displace commercial sales of identical products traditionally carried out by other countries; and

b. Such disposal cannot substitute for large scale financial and technical assistance programs.

IN WITNESS WHEREOF this Charter is signed, in Punta del Este, Uruguay, on the seventeenth day of August, nineteen hundred sixty-one.

The original texts shall be deposited in the archives of the Pan American Union, through the Secretary General of the Special Meeting, in order that certified copies may be sent to the Governments of the Member States of the Organization of American States.

The records of the Conference include a statement that the only authoritative text of agreements reached during the Conference is contained in the Charter of Punta del Este and in the specific resolutions passed by the Conference.

H. Declaration of the Presidents of America, Punta del Este, Uruguay, 1967

THE PRESIDENTS OF THE AMERICAN STATES AND THE PRIME MINISTER OF TRINIDAD AND TOBAGO MEETING IN PUNTA DEL ESTE, URUGUAY

RESOLVED to give more dynamic and concrete expression to the ideals of Latin American unity and of solidarity among the peoples of America, which inspired the founders of their countries;

DETERMINED to make this goal a reality within their own generation, in keeping with the economic, social and cultural aspirations of their peoples;

INSPIRED by the principles underlying the inter-American system, especially those contained in the Charter of Punta del Este, the Economic and Social Act of Rio de Janeiro, and the Protocol of Buenos Aires amending the Charter of the Organization of American States;

CONSCIOUS that the attainment of national and regional development objectives in Latin America is based essentially on self-help;

CONVINCED, however, that the achievement of those objectives requires determined collaboration by all their countries, complementary support through mutual aid, and expansion of external cooperation;

PLEDGED to give vigorous impetus to the Alliance for Progress and to emphasize its multilateral character, with a view to encouraging balanced development of the region at a pace substantially faster than attained thus far;

UNITED in the intent to strengthen democratic institutions, to raise the living standards of their peoples and to assure their increased participation in the development process, creating for these purposes suitable conditions in the political, economic and social as well as labor fields;

RESOLVED to maintain a harmony of fraternal relations in the Americas, in which racial equality must be effective;

PROCLAIM

The solidarity of the countries they represent and their decision to achieve to the fullest measure the free, just, and democratic order demanded by the peoples of the Hemisphere.

I

Latin America will create a common market

THE PRESIDENTS OF THE LATIN AMERICAN REPUBLICS resolve to create progressively, beginning in 1970, the Latin American Common Market, which shall be substantially in operation in a period of no more than fifteen years. The Latin American Common Market will be based on the complete development and progressive convergence of the Latin American Free Trade Association and of the Central American Common Market, taking into account the interests of Latin American countries not yet affiliated with these systems. This great task will reinforce historic bonds, will promote industrial development and the strengthening of Latin American industrial enterprises, as well as more efficient production and new opportunities for employment, and will permit the region to play its deservedly significant role in world affairs. The ties of friendship among the peoples of the Continent will thus be strengthened.

THE PRESIDENT OF THE UNITED STATES OF AMERICA, for his part, declares his firm support for this promising Latin American initiative.

THE UNDERSIGNED PRESIDENTS AFFIRM THAT:

We will lay the physical foundations for Latin American economic integration through multinational projects

Economic integration demands a major sustained effort to build a land transportation network and to improve transportation systems of all kinds so as to open the way for the movement of both people and goods throughout the Continent; to establish an adequate and efficient telecommunications system; to install inter-connected power systems; and to develop jointly international river basins, frontier regions, and economic areas which include the territory of two or more countries.

We will join in efforts to increase substantially Latin-American foreign-trade earnings

To increase substantially Latin American foreign-trade earnings, individual and joint efforts shall be directed toward facilitating nondiscriminatory access of Latin American products in world markets, toward increasing Latin American earnings from traditional exports, toward avoiding frequent fluctuations in income from such commodities, and, finally, toward adopting measures that will stimulate exports of Latin American manufactured products.

We will modernize the living conditions of our rural populations, raise agricultural productivity in general, and increase food production for the benefit of both Latin America and the rest of the world

The living conditions of the rural workers and farmers of Latin America will be transformed, to guarantee their full participation in economic and social progress. For that purpose, integrated programs of modernization, land settlement, and agrarian reform will be carried out as the countries so require. Similarly, productivity will be improved and agricultural production diversified. Furthermore, recognizing that the Continent's capacity for food production entails a dual responsibility, a special effort will be made to produce sufficient food for the growing needs of their own peoples and to contribute toward feeding the peoples of other regions.

We will vigorously promote education for development

To give a decisive impetus to education for development, literacy campaigns will be intensified, education at all levels will be greatly expanded, and its quality improved so that the rich human potential of their peoples may make their maximum contribution to the economic, social, and cultural development of Latin America. Educational systems will be modernized taking full advantage of educational innovations, and exchanges of teachers and students will be increased.

We will harness science and technology for the service of our peoples

Latin America will share in the benefits of current scientific and technological progress so as to reduce the widening gap between it and the highly industrialized nations in the areas of production techniques and of living conditions. National scientific and technological programs will be developed and strengthened and a regional program will be started; multinational institutes for advanced training and research will be established; existing institutes of this kind in Latin America will at the same time be strengthened and contributions will be made to the exchange and advancement of technological knowledge.

We will expand programs for improving the health of the American peoples

The fundamental role of health in the economic and social development of Latin America demands that the prevention and control of communicable diseases be intensified and that measures be taken to eradicate those which can be completely eliminated by existing techniques. Also programs to supply drinking water and other services essential to urban and rural environmental sanitation will be speeded up.

Latin America will eliminate unnecesasry military expenditures

THE PRESIDENTS OF THE LATIN AMERICAN COUNTRIES, conscious of the importance of armed forces to the maintenance of security, recognize at the same time that the demands of economic development and social progress make it necessary to devote to those purposes the maximum resources available in Latin America.

Therefore, they express their intention to limit military expenditures in proportion to the actual demands of national security in accordance with each country's constitutional provisions, avoiding those expenditures that are not indispensable for the performance of the specific duties of the armed forces and, where pertinent, of international commitments that obligate their respective governments. With regard to the Treaty on the Banning of Nuclear Arms in Latin America, they express the hope that it may enter into force as soon as possible, once the requirements established by the Treaty are fulfilled.

IN FACING THE PROBLEMS CONSIDERED IN THIS MEETING, which constitute a challenge to the will of the American governments[1] and peoples, the Presidents proclaim their faith in the basic purpose of the inter-American system; to promote in the Americas free and democratic societies, existing under the rule of law, whose dynamic economies, reinforced by growing technological capabilities, will allow them to serve with ever-increasing effectivness the peoples of the Continent, ot whom they announce the following program.

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[1] When the term "Latin America" is used in this text, it is to be understood that it includes all the member states of the Organization of American States, except the United States of America. The term "Presidents" includes the Prime Minister of Trinidad and Tobago. The term "Continent" comprises both the continental and insular areas.

II. ACTION PROGRAM

CHAPTER 1. LATIN AMERICAN ECONOMIC INTEGRATION AND INDUSTRIAL DEVELOPMENT

1. Principles, objectives, and goals

Economic integration is a collective instrument for accelerating Latin American development and should constitute one of the policy goals of each of the countries of the region. The greatest possible efforts should be made to bring it about, as a necessary complement to national development plans.

At the same time, the different levels of development and economic and market conditions of the various Latin American countries must be borne in mind, in order that the integration process may promote their harmonious and balanced growth. In this respect, the countries of relatively less economic development. and, to the extent required, those of insufficient market, will have preferential treatment in matters of trade and of technical and financial cooperation.

Integration must be fully at the service of Latin America. This requires the strengthening of Latin American enterprise through vigorous financial and technical support that will permit it to develop and supply the regional market efficiently. Foreign private enterprise will be able to fill an important function in assuring achievement of the objectives of integration within the pertinent policies of each of the countries of Latin America.

Adequate financing is required to facilitate the economic restructuring and adjustments called for by the urgent need to accelerate integration.

It is necessary to adopt all measures that will lead to the completion of Latin American integration, above all those that will bring about, in the shortest time possible, monetary stability and the elimination of all restrictions, including administrative, financial, and exchange restrictions, that obstruct the trade of the products of the area.

To these ends, the Latin American Presidents agree to take action on the following points:

(a) Beginning in 1970, to establish progressively the Latin American Common Market, which should be substantially in operation within a period of no more than fifteen years.

(b) The Latin American Common Market will be based on the improvement of the two existing integration systems: the Latin American Free Trade Association (LAFTA) and the Central American Common Market (CACM). The two systems will initiate simultaneously a process of convergence by stages of cooperation, closer ties, and integration, taking into account the interest of the Latin American countries not yet associated with these systems, in order to provide their access to one of them.

(c) To encourage the incorporation of other countries of the Latin American region into the existing integration systems.

2. Measures with regard to the Latin American Free Trade Association (LAFTA)

The Presidents of the member states of LAFTA instruct their respective Ministers of Foreign Affairs, who will participate in the next meeting of the Council of Ministers of LAFTA, to be held in 1967, to adopt the measures necessary to implement the following decisions:

(a) To accelerate the process of converting LAFTA into a common market. To this end, starting in 1970, and to be completed in a period of not more than fifteen years, LAFTA will put into effect a system of programmed elimination of duties and all other nontariff restrictions, and also a system of tariff harmonization, in order to establish progressively a common external tariff at levels that will promote efficiency and productivity, as well as the expansion of trade.

(b) To coordinate progressively economic policies and instruments and to harmonize national laws to the extent required for integration. These measures will be adopted simultaneously with the improvement of the integration process.

(c) To promote the conclusion of sectoral agreements for industrial complementation, endeavoring to obtain the participation of the countries of relatively less economic development.

(d) To promote the conclusion of temporary subregional agreements, with provision for reducing tariffs within the subregions and harmonizing treatments toward third nations more rapidly than in the general agreements, in keeping with the objectives of regional integration. Subregional tariff reductions will not be exended to countries that are not parties to the subregional agreement, nor will they create special obligations for them.

Participation of the countries of relatively less economic development in all stages of the integration process and in the formation of the Latin American Common Market will be based in the provisions of the Treaty of Montevideo and its complementary resolutions, and these countries will be given the greatest possible advantages, so that balanced development of the region may be achieved.

To this same end, they have decided to promote immediate action to facilitate free access of products of the LAFTA member countries of relatively less economic development to the market of the other LAFTA countries, and to promote the installation and financing in the former countries of industries intended for the enlarged market.

The countries of relatively less economic development will have the right to participate and to obtain preferential conditions in the subregional agreements in which they have an interest.

The situation of countries characterized as being of insufficient market shall be taken into account in temporary preferential treatments established, to the extent necessary to achieve a harmonious development in the integration process.

It is understood that all the provisions set forth in this section fall within or are based upon the Treaty of Montevideo.

3. Measures with regard to the Central American economic integration program

The Presidents of the member states of the Central American Common Market commit themselves:

(a) To carry out an action program that will include the following measures, among others.

(1) Improvement of the customs union and establishment of a Central American monetary union;

(2) Completion of the regional network of infrastructure;

(3) Promotion of a common foreign-trade policy;

(4) Improvement of the common market in agricultural products and implementation of a joint, coordinated industrial policy;

(5) Acceleration of the process of free movement of manpower and capital within the area;

(6) Harmonization of the basic legislation required for economic integration.

(b) To apply, in the implementation of the foregoing measures, and when pertinent, the temporary preferential treatment already established or that may be established, in accordance with the principle of balanced development among countries.

(c) To foster closer ties between Panama and the Central American Common Market, as well as rapid expansion of trade and investment relations with neighboring countries of the Central American and Caribbean region, taking advantage, to this end, of their geographic proximity and of the possibilities for economic complementation; also, to seek conclusion of subregional agreements and agreements of industrial complementation between Central America and other Latin American countries.

4. *Measures common to Latin American Countries*

The Latin American Presidents commit themselves:

(a) Not to establish new restrictions on trade among Latin American countries, except in special cases, such as those arising from equalization of tariffs and other instruments of trade policy, as well as from the need to assure the initiation or expansion of certain productive activities in countries of relatively less economic development.

(b) To establish, by a tariff cut or other equivalent measures, a margin of preference within the region for all products originating in Latin American countries, taking into account the different degrees of development of the countries.

(c) To have the measures in the two preceding paragraphs applied immediately among the member countries of LAFTA, in harmony with the other measures referring to this organization contained in the present chapter and, insofar as possible, to extend them to non-member countries in a manner compatible with existing international commitments, inviting the latter countries to extend similar preferences to the members of LAFTA, with the same qualification.

(d) To ensure that application of the foregoing measures shall not hinder internal readjustments designed to rationalize the instruments of trade policy made necessary in order to carry out national development plans and to achieve the goals of integration.

(e) To promote acceleration of the studies already initiated regarding preferences that LAFTA countries might grant to imports from the Latin American countries that are not members of the Association.

(f) To have studies made of the possibility of concluding agreements of industrial complementation in which all Latin American countries may participate, as well as temporary subregional economic integration agreements between the CACM and member countries of LAFTA.

(g) To have a committee established composed of the executive organs of LAFTA and the CACM to coordinate implementation of the foregoing points. To this end, the committee will encourage meetings at the ministerial level, in order to ensure that Latin American integration will proceed as rapidly as possible, and, in due course, initiate negotiation of a general treaty or the protocols required to create the Latin American Common Market. Latin American countries that are not members shall be invited to send representatives to these meetings and to those of the committee of the executive organs of LAFTA and the CACM.

(h) To give special attention to industrial development within integration, and particularly to the strengthening of Latin American industrial firms. In this regard, we reiterate that development must be balanced between investments for economic ends and investments for social ends.

5. *Measures common to member countries of the Organization of American States (OAS)*

The Presidents of the member states of the OAS agree:

(a) To mobilize financial and technical resources within and without the hemisphere to contribute to the solution of problems in connection with the balance of payments, industrial readjustments, and retraining of the labor force that may arise from a rapid reduction of trade barriers during the period of transition toward the common market, as well as to increase the sums available for export credits in intra-Latin American trade. The Inter-American Development Bank and the organs of both existing integration systems should participate in the mobilization of such resources.

(b) To mobilize public and private resources within and without the hemisphere to encourage industrial development as part of the integration process and of national development plans.

(c) To mobilize financial and technical resources to undertake specific feasibility studies on multinational projects for Latin American industrial firms, as well as to aid in carrying out these projects.

(d) To accelerate the studies being conducted by various inter-American agencies to promote strengthening of capital markets and the possible establishment of a Latin American stock market.

(e) To make available to Central America within the Alliance for Progress, adequate technical and financial resources, including those required for strengthening and expanding the existing Central American Economic Integration Fund, for the purpose of accelerating the Central American economic integration program.

(f) To make available, within the Alliance for Progress and pursuant to the provisions of the Charter of Punta del Este, the technical and financial resources needed to accelerate the preparatory studies and work involved in converting LAFTA into a common market.

CHAPTER 2. MULTINATIONAL ACTION FOR INFRASTRUCTURE PROJECTS

The economic integration of Latin America demands a vigorous and sustained effort to complete and modernize the physical infrastructure of the region. It is necessary to build a land transport network and improve all types of transport systems to facilitate the movement of persons and goods throughout the hemisphere; to establish an adequate and efficient telecommunications system and interconnected power systems; and jointly to develop international watersheds, frontier regions and economic areas that include the territory of two or more countries. In Latin America there are in existence projects in all these fields, at different stages of preparation or implementation, but in many cases of the completion of prior studies, financial resources, or merely the coordination of efforts and the decision to bring them to fruition are lacking.

The Presidents of the member states of the OAS agree to engage in determined action to undertake or accelerate the construction of the infrastructure required for the development and integration of Latin America and to make better use thereof. In so doing, it is essential that the groups of interested countries or multinational institutions determine criteria for assigning priorities, in view of the amount of human and material resources needed for the task.

As one basis for the criteria, which will be determined with precision upon consideration of the specific cases submitted for study, they stress the fundamental need to give preferential attention to those projects that benefit the countries of the region that are at a relatively lower level of economic development.

Priority should also be given to the mobilization of financial and technical resources for the preparation and implementation of infrastructure projects that will facilitate the participation of landlocked countries in regional and international trade.

In consequence, they adopt the following decisions for immediate implementation:

1. To complete the studies and conclude the agreements necessary to accelerate the construction of an inter-American telecommunications network.

2. To expedite the agreements necessary to complete the Pan American Highway, to accelerate the construction of the Bolivarian Highway (Carretera Marginal de la Selva) and its junction with the Trans-Chaco Highway and to support the studies and agreements designed to bring into being the new highway systems that will join groups of countries of continental and insular Latin America, as well as the basic works required to develop water and airborne transport of a multinational nature and the corresponding systems of operation. As a complement to these agreements, negotiations should be undertaken for the purpose of eliminating or reducing to a minimum the restrictions on international traffic and of promoting technical and administrative cooperation among land, water, and air transport enterprises and the establishment of multinational transport services.

3. To sponsor studies for preparing joint projects in connection with watersheds, such as the studies commented on the development of the River Plate basin and that relating to the Gulf of Fonseca.

4. To allocate sufficient resources to the Preinvestment Fund for Latin American Integration of the IDB for conducting studies that will make it possible to identify and prepare multinational projects in all fields that may be of importance in promoting regional integration. In order that the aforesaid Fund may carry out an effective promotion effort, it is necessary that an adequate part of the resources allocated may be used without reimbursement, or with reimbursement conditioned on the execution of the corresponding projects.

5. To mobilize, within and outside the hemisphere, resources in addition to those that will continue to be placed at the disposal of the countries to support national economic development programs, such resources to be devoted especially to the implementation of multinational infrastructure projects that can represent important advances in the Latin American economic integration process. In this regard, the IDB should have additional resources in order to participate actively in the attainment of this objective.

CHAPTER 3. MEASURES TO IMPROVE INTERNATIONAL TRADE CONDITIONS IN LATIN AMERICA

The economic development of Latin America is seriously affected by the adverse conditions in which its international trade is carried out. Market structures, financial conditions, and actions that prejudice exports and other income from outside Latin America are impeding its growth and retarding the integration process. All this causes particular concern in view of the serious and growing imbalance between the standard of living in Latin American countries and that of the industrialized nations and, at the same time, calls for definite decisions and adequate instruments to implement the decisions.

Individual and joint efforts of the member states of the OAS are essential to increase the incomes of Latin American countries derived from, and to avoid frequent fluctuations in, traditional exports, as well as to promote new exports. Such efforts are also essential to reduce any adverse effects on the external earnings of Latin American countries that may be caused by measures which may be taken by industrialized countries for balance of payments reasons.

The Charter of Punta del Este, the Economic and Social Act of Rio de Janeiro and the new provisions of the Charter of the OAS reflect a hemispheric agreement with regard to these problems, which needs to be effectively implemented; therefore, the Presidents of the member states of the OAS agree:

1. To act in coordination in multilateral negotiations to achieve, without the more highly developed countries' expecting reciprocity, the greatest possible reduction or the elimination of tariffs and other restrictions that impede the access of Latin American products to world markets. The Government of the United States intends to make efforts for the purpose of liberalizing the conditions affecting exports of basic products of special interest to Latin American countries, in accordance with the provision of Article 37(a) of the Protocol of Buenos Aires.

2. To consider together possible systems of general nonreciprocal preferential treatment for exports of manufactures and semimanufactures of the developing countries, with a view to improving the condition of the Latin American export trade.

3. To undertake a joint effort in all international institutions and organizations to eliminate discriminatory preferences against Latin American exports.

4. To strengthen the system of intergovernmental consultations and carry them out sufficiently in advance, so as to render them effective and ensure that programs for placing and selling surpluses and reserves that affect the exports of the developing countries take into account the interests of the Latin American countries.

5. To ensure compliance with international commitments to refrain from introducing or increasing tariff and nontariff barriers that affect exports of the developing countries, taking into account the interests of Latin America.

6. To combine efforts to strengthen and perfect existing international agreements, particularly the International Coffee Agreement, to obtain favorable conditions for trade in basic products of interest to Latin America and to explore all possibilities for the development of new agreements.

7. To support the financing and prompt initiation of the activities of the Coffee Diversification Fund, and consider in due course the creation of other funds to make it possible to control the production of basic products of interest to Latin America in which there is a chronic imbalance between supply and demand.

8. To adopt measures to make Latin America export products more competitive in world markets.

9. To put in operation as soon as possible an inter-American agency for export promotion that will help to identify and develop new export lines and to strengthen the placing of Latin American products in international markets, and to improve national and regional agencies designed for the same purpose.

10. To initiate such individual or joint action on the part of the member states of the OAS as may be required to ensure effective and timely execution of the foregoing agreements, as well as those that may be required to continue the execution of the agreements contained in the Charter of Punta del Este, in particular those relating to foreign trade.

With regard to joint action, the Inter-American Committee on the Alliance for Progress (CIAP) and other agencies in the region shall submit to the Inter-American Economic and Social Council (IA-ECOSOC), for consideration at its next meeting, the means, instruments, and action program for initiating execution thereof.

At its annual meetings, IA-ECOSOC shall examine the progress of the programs under way with the object of considering such action as may ensure compliance with the agreements concluded, inasmuch as a substantial improvement in the international conditions in which Latin American foreign trade is carried on is a basic prerequisite to the acceleration of economic development.

CHAPTER 4. MODERNIZATION OF RURAL LIFE AND INCREASE OF AGRICULTURAL PRODUCTIVITY, PRINCIPALLY OF FOOD

In order to promote a rise in the standard of living of farmers and an improvement in the condition of the Latin American rural people and their full participation in economic and social life, it is necessary to give greater dynamism to agriculture in Latin America, through comprehensive programs of modernization, land settlement, and agrarian reform when required by the countries.

To achieve these objectives and to carry out these programs, contained in the Charter of Punta del Este, it is necessary to intensify internal efforts and to provide additional external resources.

Such programs will be oriented toward increasing food production in the Latin American countries in sufficient volume and quality to provide adequately for their population and to meet world needs for food to an ever-increasing extent, as well as toward improving agricultural productivity and toward a diversification of crops, which will assure the best possible competitive conditions for such production.

All these development efforts in agriculture must be related to the overall development of the national economics in order to harmonize the supply of agricultural products and the labor that could be freed as a result of the increase in farm productivity with the increase in demand for such products and with the need for labor in the economy as a whole.

This modernization of agricultural activities will furthermore create conditions for a development more in balance with the effort toward industrialization.

To achieve these goals, the Latin American Presidents undertake:

1. To improve the formulation and execution of agricultural policies and to ensure the carrying out of plans, programs, and projects for preinvestment, agricultural development, agrarian reform, and land settlement, adequately coordinated with national economic development plans, in order to intensify internal efforts and to facilitate obtaining and utilizing external financing.
2. To improve credit systems, including those earmarked for the resettlement of rural workers who are beneficiaries of agrarian reform, and for increased productivity, and to create facilities for the production, marketing, storage, transportation, and distribution of agricultural products.
3. To provide adequate incentive, including price incentives, to promote agricultural production under economic conditions.
4. To foster and to finance the acquisition and intensive use of those agricultural inputs which contribute to the improvement of productivity, as well as the establishment and expansion of Latin American industries producing agricultural inputs, particularly fertilizers, pesticides, and agricultural machinery.
5. To ensure the adequacy of tax systems that affect the agricultural sector, so that they may contribute to the increase of productivity, more production, and better land distribution.
6. To expand substantially programs of specialized education and research and of agricultural extension, in order to improve the training of the rural worker and the education of technical and professional

personnel, and, also, to intensify animal and plant sanitation campaigns.

7. To provide incentives and to make available financial resources for the industrialization of agricultural production, especially through the development of small and medium industry and the promotion of exports of processed agricultural products.

8. To facilitate the establishment of multinational or international programs that will make it possible for Latin America to supply a larger proportion of world food needs.

9. To foster national programs of community development and of self-help for small-scale farmers, and to promote the creation and strengthening of agricultural cooperatives.

By recognizing the importance of the state objectives, goals and means, the Presidents of the members state of the OAS undertake, within the spirit of the Alliance for Progress, to combine intensified internal efforts with additional external support especially earmarked for such measures.

They call upon CIAP, when analyzing the agricultural sector as included in national development plans, to bear in mind the objectives and measures indicated herein, giving due attention to agrarian reform programs in those countries that consider these programs an important basis for their agricultural progress and economic and social developments.

CHAPTER 5. EDUCATIONAL, TECHNOLOGICAL, AND SCIENTIFIC DEVELOPMENT AND INTENSIFICATION OF HEALTH PROGRAMS

A. EDUCATION AND CULTURE

Education is a sector of high priority in the overall development policy of Latin American nations.

The Presidents of the member states of the OAS recognize that, during the past decade, there has been development of educational services in Latin America unparalleled in any other period of the history of their countries.

Nevertheless, it must be admitted that:

(a) It is necessary to increase the effectiveness of national efforts in the field of education;

(b) Educational systems should be more adequately adjusted to the demands of economic, social, and cultural development;

(c) International cooperation in educational matters should be considerably intensified in accordance with the new standards of the Charter of the OAS.

To these ends, they agree to improve educational, administrative and planning systems; to raise the quality of education so as to stimulate the creativity of each pupil; to accelerate expansion of educational systems at all levels; and to assign priority to the following activities related to economic, social, and cultural development:

1. Orientation and, when necessary, reorganization of educational systems, in accordance with the needs and possibilities of each country, in order to achieve:

(a) The expansion and progressive improvement of preschool education and extension of the period of general education;

(b) An increase in the capacity of secondary schools and the improvement of their curricula;

(c) An increase in opportunities following general education, including opportunities for learning a trade or a specialty or for continuing general education;

(d) The general elimination of barriers between vocational and general education;

(e) The expansion and diversification of university courses, so that they will include the new professions essential to economic and social development;

(f) The establishment or expansion of graduate courses through professional schools;

(g) The establishment of refresher courses in all branches and types of education, so that graduates may keep their knowledge up to date in this era of rapid scientific and technological progress;

(h) The strengthening and expansion of adult education programs;

(i) The promotion of special education for exceptional students.

2. Promotion of basic and advanced training for teachers and administrative personnel; development of educational research and experimentation, and adequate expansion of school building programs.

3. Broadening of the use of educational television and other modern teaching techniques.

4. Improvement of rural elementary schools to achieve a level of quality equal to that of urban elementary schools, with a view to assuring equal educational opportunities to the rural population.

5. Reorganization of vocational education, when necessary, taking into account the structure of the labor force and the foreseeable manpower needs of each country's development plan.

6. An increase in private financing of education.

7. Encouragement of local and regional communities to take an effective part in the construction of school buildings and in civic support to educational development.

8. A substantial increase in national scholarship and student loan and aid programs.

9. Establishment or expansion of extension services and services for preserving the cultural heritage and encouraging intellectual and artistic activity.

10. Strengthening of education for international understanding and Latin American integration.

Multinational Efforts

1. Increasing international resources for the purposes set forth in this chapter.

2. Instructing the appropriate agencies of the OAS to:

(a) Provide technical assistance to the countries that so request:

(i) In educational research, experimentation, and innovation:

(ii) For training of specialized personnel;

(iii) In educational television. It is recommended that study be made of the advisability of establishing a multinational training center in this field;

(b) Organize meetings of experts to recommend measures to bring national curricula into harmony with Latin American integration goals;

(c) Organize regional volunteer teacher programs;

(d) Extend inter-American cooperation to the preservation and use of archeological, historic, and artistic monuments.

3. Expansion of OAS programs for fellowships, student loans, and teacher exchange.

National educational and cultural development efforts will be evaluated in coordination by CIAP and the Inter-American Council for Education, Science, and Culture (now the Inter-American Cultural Council).

B. SCIENCE AND TECHNOLOGY

Advances in scientific and technological knowledge are changing the economic and social structure of many nations. Science and technology offer infinite possibilities for providing the people with the well-being that they seek. But in Latin American countries the potentialities that this wealth of the modern world offers have by no means been realized to the degree and extent necessary.

Science and technology offer genuine instruments for Latin American progress and must be given an unprecedented impetus at this time. This effort calls for inter-American cooperation, in view of the magnitude of the investments required and the level attained in such knowledge. In the same way, their organization and implementation in each country cannot be effected without a properly planned scientific and technological policy within the general framework of development.

For the above reasons the Presidents of the member states of the OAS agree upon the following measures:

Internal Efforts

Establishment, in accordance with the needs and possibilities of each country, of national policies in the field of science and technology, with the necessary machinery and funds, the main elements of which shall be:

1. Promotion of professional training for scientists and technicians and an increase in their numbers.

2. Establishment of conditions favoring full utilization of the scientific and technological potential for solving the economic and social problems of Latin America, and to prevent the exodus of persons qualified in these fields.

3. Encouragement of increased private financial contributions for scientific and technological research and teaching.

Multinational Efforts

1. Establishment of a Regional Scientific and Technological Development Program designed to advance science and technology to a degree that they will contribute substantially to accelerating the economic development and well-being of their peoples and make it feasible to engage in pure and applied scientific research of the highest possible quality. This Program shall complement Latin American national programs in the area of science and technology and shall take special account of the characteristics of each of the countries.

2. The Program shall be oriented toward the adoption of measures to promote scientific and technological research, teaching, and information; basic and advanced training of scientific personnel; and exchange of information. It shall promote intensively the transfer to, and adaptation by, the Latin American countries of knowledge and technologies originating in their regions.

3. The Program shall be conducted through national agencies responsible for scientific and technological policy, through institutions—national or international, public or private—either now existing or to be established in the future.

4. As part of the Program, they propose that multinational technological and scientific training and research institutions at the postgraduate level be established, and that institutions of this nature already existing in Latin America be strengthened. A group, composed of high-ranking, qualified persons, experienced in science, technology, and university education, shall be established to make recommendations to the Inter-American Council for Education, Science, and Culture (now the Inter-American Cultural Council) on the nature of such multinational institutions, including such matters as their organization, the characteristics of their multinational administration, financing, location, coordination of their activities among themselves and with those of pertinent national institutions, and on the other aspects of their operation. The aforementioned group, selected and convoked by the Inter-American Council for Education, Science, and Culture (now the Inter-American Cultural Council) or, failing this, by CIAP, shall meet within 120 days after the close of this meeting.

5. In order to encourage the training of scientific and technological personnel at the higher academic levels, they resolve that an Inter-American Fund for Scientific and Technological Training shall be established as part of the Program, so that scientists and research workers from Latin American countries may pursue advanced scientific and technological studies, with the obligation to engage in a period of scientific work in Latin America.

6. The Program shall be promoted by the Inter-American Council for Education, Science, and Culture (now the Inter-American Cultural Council), in cooperation with CIAP. They shall coordinate their activities with similar activities of the United Nations and other interested organizations.

7. The Program may be financed by contributions of the member states of the inter-American system, inter-American or international institutions, technologically advanced countries, universities, foundations, and private individuals.

C. HEALTH

Improvement of health conditions is fundamental to the economic and social development of Latin America.

Available scientific knowledge makes it possible to obtain specific results, which, in accordance with the needs of each country and the provisions of the Charter of Punta del Este, should be utilized to attain the following objectives:

(a) Control of communicable diseases and eradication of those for which methods for total elimination exist. Pertinent programs shall receive international coordination when necessary.

(b) Acceleration of programs for providing drinking-water supplies, sewerage, and other services essential to environmental sanitation in rural and urban areas, giving preference to lower-income groups. On the basis of studies carried out and with the cooperation of international financing agencies, national revolving fund systems shall be used to assure the continuity of such programs.

(c) Greater and more rapid progress in improving nutrition of the neediest groups of the population, taking advantage of all possibilities offered by national effort and international cooperation.

(d) Promotion of intensive mother and child welfare programs and of educational programs on overall family guidance methods.

(e) Priority for basic and advanced training of professional, technical, administrative, and auxiliary personnel, and support of operational and administrative research in the field of health.

(f) Incorporation, as early as the preinvestment phase, of national and regional health programs into general development plans.

The Presidents of the member states of the OAS, therefore, decide:

1. To expand, within the framework of general planning, the prepparation and implementation of national plans that will strengthen infrastructure in the field of health.

2. To mobilize internal and external resources to meet the needs for financing these plans. In this connection, to call upon CIAP, when analyzing the health sector in national development programs, to take into account the objectives and needs indicated.

3. To call upon the Pan American Health Organization to cooperate with the governments in the preparation specific programs relating to these objectives.

CHAPTER 6. ELIMINATION OF UNNECESSARY MILITARY EXPENDITURES

The Latin American Presidents, conscious of the importance of the armed forces in maintaining security, at the same time recognize that the demands of economic development and social progress make it necessary to apply the maximum resources available in Latin America to these ends.

Consequently, they express their intention to limit military expenditures in proportion to the actual demands of national security, in accordance with each country's constitutional provisions, avoiding those expenditures that are not indispensable for the performance of the specific duties of the armed forces and, where pertinent, of international commitments that obligate their respective governments.

With regard to the Treaty on the Banning of Nuclear Arms in Latin America they express the hope that it may enter into force as soon as possible, once the requirements established by the Treaty are fulfilled.

DONE at Punta del Este, Uruguay, in the English, French, Portuguese, and Spanish languages, this Pan American Day, the fourteenth of April of the year one thousand nine hundred sixty-seven, the seventy-seventh anniversary of the founding of the inter-American system.

I. Treaty for the Prohibition of Nuclear Weapons in Latin America, 1967[1]

PREAMBLE

In the name of their peoples and faithfully interpreting their desires and aspirations, the Government of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America,

Desiring, To contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign quality of States, mutual respect and good neighbourliness,

Recalling, That the United Nationals General Assembly, in its Resolution 808 (IX), adopted unanimously as one of the three points of a coordinated programme of disarmament "the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type",

Recalling, That militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

Recalling, United Nations General Assembly Resolution 1911 (XVIII), which established that the measures that should be agreed upon for the denuclearization of Latin America should be taken "in the light of the principles of the Charter of the United Nations and of regional agreements",

Recalling, United Nations General Assembly Resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

Recalling, That the Charter of the Organization of American States proclaims that it is an essential purpose of the Organization to strengthen the peace and security of the hemisphere,

CONVINCED

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly observed in practice if the survival of civilization and of mankind itself is to be assured,

That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable,

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[1] Not open for signature to states located outside Latin America. The treaty has been signed by all Latin American States except Cuba and Guyana.

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equally demand,

That the proliferation of nucelar weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves in order to prevent it, would make any agreement on disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration,

That the establishment of militarily denuclearized zones is closely linked with the maintenance of peace and security in the respective regions,

That the military denuclearization of vast geographical zones, adopted by the sovereign decision of the States comprised therein, will exercise a beneficial influence on other regions where similar conditions exist,

That the privileged situation of the signatory States, whose territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind.

That the existence of nuclear weapons in any country of Latin America would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike purposes, of the limited resources required for economic and social development,

That the foregoing reasons, together with the traditional peace-loving outlook of Latin America, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples,

CONVINCED FINALLY

That the military denuclearization of Latin America—being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons—will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament, and

That Latin America, faithful to its tradition of universality, must not only endeavour to banish from its homelands the scourge of a nuclear war, but must also strive to promote the well-being and advancement of its peoples, at the same time.co-operating in the fulfilment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States, *Have agreed as follows:*

OBLIGATIONS

ARTICLE 1

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

(a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and

(b) The receipt, storage, installation, deployment and any form of possession, of any nuclear weapons. directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

DEFINITION OF THE CONTRACTING PARTIES

ARTICLE 2

For the purposes of this Treaty the Contracting Parties are those for whom the Treaty is in force.

DEFINITION OF TERRITORY

ARTICLE 3

For the purposes of this Treaty, the term "territory" shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

ZONE OF APPLICATION

ARTICLE 4

1. The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

2. Upon fulfillment of the requirements of article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longititude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south lati-

tude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0 latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

DEFINITION OF NUCLEAR WEAPONS

ARTICLE 5

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisable part thereof.

MEETING OF SIGNATORIES

ARTICLE 6

At the request of any of the signatory States or if the Agency established by article 7 should so decide, a meeting of all the signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the General Secretary.

ORGANIZATION

ARTICLE 7

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the "Agency for the Prohibition of Nuclear Weapons in Latin America", hereinafter referred to as "the Agency". Only the Contracting Parties shall be affected by its decisions.

2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.

3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

ORGANS

ARTICLE 8

1. There are hereby established as principal organs of the Agency's General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

THE GENERAL CONFERENCE

ARTICLE 9

1. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

2. The General Conference:

(a) May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty.

(b) Shall establish procedures for the control system to ensure observance of this Treaty in accordance with its provisions.

(c) Shall elect the Members of the Council and the General Secretary.

(d) May remove the General Secretary from office if the proper functioning of the Agency so requires.

(e) Shall receive and consider the biennial and special reports submitted by the Council and the General Secretary.

(f) Shall initiate and consider studies designed to facilitate the optimum fulfilment of the aims of this Treaty, without prejudice to the power of the General Secretary independently to carry out similar studies for submission to and consideration by the Conference.

(g) Shall be the organ competent to authorize the conclusion of agreements with Governments and other international organization and bodies.

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the control system and measures referred to in article 20, the admission of new Members, the election or removal of the General Secretary, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

6. The General Conference shall adopt its own rules of procedure.

THE COUNCIL

ARTICLE 10

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the General Secretary, ensure the proper operation of the control system in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect its officers for each session.

8. The decisions of the Council shall be taken by a simple majority of its Members present and voting.

9. The Council shall adopt its own rules of procedure.

THE SECRETARIAT

ARTICLE 11

1. The Secretariat shall consist of a General Secretary, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the General Secretary shall be four years and he may be re-elected for a single additional term. The General Secretary may not be a national of the country in which the Agency has its headquarters. In case the office of General Secretary becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the General Secretary, in accordance with rules laid down by the General Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference—the General Secretary shall ensure, as provided by article 10, paragraph 5, the proper operation of the control system established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The General Secretary shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special

reports requested by the General Conference or the Council or which the General Secretary may deem desirable.

5. The General Secretary shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from nongovernmental sources as may be of interest to the Agency.

6. In the performance of their duties the General Secretary and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason or their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the General Secretary and the staff and not to seek to influence them in the discharge of their responsibilities.

CONTROL SYSTEM

ARTICLE 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with article 1, a control system shall be established which shall be put into effect in accordance with the provision of articles 13–18 of this Treaty.

2. The control system shall be used in particular for the purpose of vertifying:

(a) That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons.

(b) That none of the activities prohibited in article 1 of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and

(c) That explosions for peaceful purposes are compatible with article 18 of this Treaty.

IAEA SAFEGUARDS

ARTICLE 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or *force majeure*.

Reports of the Parties

ARTICLE 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semiannual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and to the application of safeguards.

3. The Contracting Parties shall also transmit to the Organization of American States, for its information, any reports that may be of interest to it, in accordance with the obligations established by the Inter-American System.

Special Reports Requested by the General Secretary

ARTICLE 15

1. With the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the General Secretary.

2. The General Secretary shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

Special Inspections

ARTICLE 16

1. The International Atomic Energy Agency and the Council established by this treaty have the power of carrying out special inspections in the following cases:

(a) In the case of the International Atomic Energy Agency, in accordance with the agreements referred to in article 13 of this Treaty;

(b) In the case of the Council:

(i) When so requested, the reasons for the request being stated, by any Party which suspects that some activity prohibited by this Treaty has been carried out or is about to be carried out, either in the territory of any other Party or in any other place on such latter Party's behalf, the Council shall immediately arrange for such an inspection in accordance with article 10, paragraph 5.

(ii) When requested by any Party which has been suspected of or charged with having violated this Treaty, the Council shall immediately arrange for the special inspection requested in accordance with article 10, paragraph 5.

The above requests will be made to the Council through the General Secretary.

2. The costs and expenses of any special inspection carried out under paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article shall be borne by the requesting Party or Parties, except where the Council concludes on the basis of the report on the special inspection that, in view of the circumstances existing in the case, such costs and expenses should be borne by the Agency.

3. The General Conference shall formulate the procedures for the organization and execution of the special inspections carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

4. The Contracting Parties undertake to grant the inspectors carrying out such special inspections full and free access to all places and all information which may be necessary for the performance of their duties and which are directly and intimately connected with the suspicion of violation of this Treaty. If so requested by the authorities of the Contracting Party in whose territory the inspection is carried out, the inspectors designated by the General Conference shall be accompanied by respresentatives of said authorities, provided that this does not in any way delay or hinder the work of the inspectors.

5. The Council shall immediately transmit to all the Parties, through the General Secretary, a copy of any report resulting from special inspections.

6. Similarly, the Council shall send through the General Secretary to the Secretary-General of the United Nations, for transmission to the United Nations Security Council and General Assembly, and to the Council of the Organization of American States, for its information, a copy of any report resulting from any special inspection carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

7. The Council may decide, or any Contracting Party may request, the convening of a special session of the General Conference for the purpose of considering the reports resulting from any special inspection. In such a case, the General Secretary shall take immediate steps to convene the special session requested.

8. The General Conference, convened in special session under this article, may make recommendations to the Contracting Parties and submit reports to the Secretary-General of the United Nations to be transmitted to the United Nations Security Council and the General Assembly.

USE OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES

ARTICLE 17

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

EXPLOSIONS FOR PEACEFUL PURPOSES

ARTICLE 18

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes—including explosions which involve devices similar to those used in nuclear weapons—or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this article and the other articles of the Treaty, particularly articles 1 and 5.

2. Contracting Parties intending to carry out, or to co-operate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

(a) The nature of the nuclear device and the source from which it was obtained.

(b) The place and purpose of the planned explosion.

(c) The procedures which will be followed in order to comply with paragraph 3 of this article,

(d) The expected force of the device, and

(e) The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

3. The General Secretary and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity and the information supplied under paragraph 2 of this article and the other provisions of this Treaty.

4. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present article, in accordance with paragraphs 2 and 3 thereof.

RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

ARTICLE 19

1. The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established by this Treaty.

2. The Agency may also enter into relations with an international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

3. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

MEASURES IN THE EVENT OF VIOLATION OF THE TREATY

ARTICLE 20

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matters to the attention of the Party concerned, making such recommendations as it deems appropriate.

2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary-General of the United Nations, and to the Council of the Organization of American States, The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

UNITED NATIONS AND ORGANIZATION OF AMERICAN STATES

ARTICLE 21

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of States Members of the Organization of American States, under existing regional treaties.

PRIVILEGES AND IMMUNITIES

ARTICLE 22

1. The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its purposes.

2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.

3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this article.

NOTIFICATION OF OTHER AGREEMENTS

ARTICLE 23

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

SETTLEMENT OF DISPUTES

ARTICLE 24

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

SIGNATURE

ARTICLE 25

1. This Treaty shall be open indefinitely for signature by:

(a) All the Latin American Republics, and

(b) All other sovereign States situated in their entirety south of latitude 35° north in the western hemisphere; and, except as provided in paragraph 2 of this article, all such States which become sovereign, when they have been admitted by the General Conference.

2. The General Conference shall not take any decision regarding the admission of a political entity part or all of whose territory is the subject, prior to the date when this Treaty is opened for signatures of a dispute or claim between an extra-continental country and one or more Latin American States, so long as the dispute has not been settled by peaceful means.

RATIFICATION AND DEPOSIT

ARTICLE 26

1. This Treaty shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.

3. The Depositary Government shall send certified copies of this Treaty to the Governments of signatory States and shall notify them of the deposit of each instrument of ratification.

RESERVATIONS

ARTICLE 27

This Treaty shall not be subject to reservations.

ENTRY INTO FORCE

ARTICLE 28

1. Subject to the provisions of paragraph 2 of this article this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:

(a) Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in article 25 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of article 25, paragraph 2;

(b) Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having *de jure* or *de facto* international responsibility for territories situated in the zone of application of the Treaty;

(c) Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;

(d) Conclusion of bilateral or multilateral agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with article 13 of this Treaty.

2. All signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.

4. After the entry into force of this Treaty for all the countries of the zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, sub-paragraph (c) of this article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

AMENDMENTS

ARTICLE 29

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the General Secretary, who shall transmit them to all the other Contracting Parties and, in addition, to all other signatories in accordance with article 6. The Council, through the General Secretary, shall immediately following the meeting of signatories convene a special session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting parties present and voting shall be required.

2. Amendments adopted shall enter into force as soon as the requirements set forth in article 28 of this Treaty have been complied with.

DURATION AND DENUNCIATION

ARTICLE 30

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the General Secretary of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances connected with

the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three months after the delivery to the General Secretary of the Agency of the notification by the Government of the signatory State concerned. The General Secretary shall immediately communicate such notification to the other Contracting Parties and to the Secretary-General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary-General of the Organization of American States.

AUTHENTIC TEXTS AND REGISTRATION

ARTICLE 31

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary-General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary-General of the Organization of American States for its information.

TRANSITIONAL ARTICLE

Denunciation of the declaration referred to in article 28, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

Done at Mexico, Distrito Federal, on the Fourteenth day of February, one thousand nine hundred and sixty-seven.

Treaty for the Prohibition of Nuclear Weapons in Latin America (Tlatelolco Treaty)*

SIGNATORY COUNTRIES	ENTRY INTO FORCE			
Antigua and Barbuda	11	October	1983	1/
Argentina				2/
Bahamas	26	April	1977	3/
Barbados	25	April	1969	4/
Bolivia	25	April	1969	5/
Brazil	29	January	1968	6/
Chile	9	October	1974	
Colombia	6	September	1972	7/
Costa Rica	25	August	1969	8/
Dominican Republic	14	June	1968	9/
Ecuador	11	February	1969	10/
El Salvador	22	April	1968	11/
Grenada	20	June	1975	12/
Guatemala	6	February	1970	13/
Haiti	23	May	1969	14/
Honduras	23	September	1968	15/
Jamaica	26	June	1969	16/
Mexico	20	September	1967	17/
Nicaragua	24	February	1968	18/
Panama	11	June	1971	19/
Paraguay	19	March	1969	20/
Peru	4	March	1969	21/
Suriname	10	June	1977	22/
Trinidad and Tobago	27	June	1975	23/
Uruguay	20	August	1968	24/
Venezuela	23	March	1970	25/

All states listed herein signed the Treaty on February 14, 1967, with exception of those indicated in the notes.

1/ Signed November 11, 1983; declaration made at the time of ratification

2/ Signed September 27, 1967 with a declaration

3/ Signed November 29, 1976; deposited with a declaration

4/ Signed October 18, 1968; deposited with a declaration

5/ Declaration made at the time of ratification

6/ Signed May 9, 1967 with a declaration; declaration made at the time of ratification

7/ Deposited with a declaration

8/ Declaration made at the time of ratification

9/ Signed July 28, 1967; declaration made at the time of ratification

10/ Declaration made at the time of ratification

11/ Declaration made at the time of ratification

12/ Signed April 29, 1975; declaration made at the time of ratification

13/ Declaration made at the time of ratification

14/ Declaration made at the time of ratification

15/ Declaration made at the time of ratification

16/ Signed October 26, 1967; declaration made at the time of ratification

17/ Declaration made at the time of ratification

18/ Signed February 15, 1967 with a declaration; declaration made at the time of ratification

19/ Declaration made at the time of ratification

20/ Signed April 26, 1967; declaration made at the time of ratification

21/ Declaration made at the time of ratification

22/ Signed February 13, 1976; declaration made at the time of ratification

23/ Signed June 27, 1967; deposited with a declaration

24/ Declaration made at the time of ratification

25/ Declaration made at the time of ratification

*Source: Inter-American Treaties and Conventions, Treaty Series No. 9, General Secretariat, OAS, Washington, D.C. Entry into Force: Among the States that have ratified it as soon as the requirements stipulated in Article 28 have been met

ADDITIONAL PROTOCOL I

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

CONVINCED that the Treaty for the Prohibition of Nuclear Weapons in Latin America,[1] negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

AWARE that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

DESIRING to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

ARTICLE 1. To undertake to apply the status of denuclearization in respect of warlike purposes as defined in articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America in territories for which, *de jure* or *de facto*, they are internationally responsible and which lie within the limits of the geographical zone established in that Treaty.

ARTICLE 2. The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

ARTICLE 3. This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

N.J.A. CHEETHAM

FOR THE KINGDOM OF THE NETHERLANDS:

S. VAN HEEMSTRA

FOR THE UNITED STATES OF AMERICA:

JIMMY CARTER

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[1] Done Feb. 14, 1967. TIAS 7137; 22 UST 762.

Additional Protocol I

SIGNATORY COUNTRIES	ENTRY INTO FORCE			
France				1/
Netherlands	26	July	1977	2/
United Kingdom of Great Britain and Northern Ireland .	11	December	1969	3/
United States	23	November	1981	4/

1/ Signed March 2, 1979 with reservations and interpretative declarations

2/ Signed March 15, 1968 with a declaration; declaration made at the time of ratification

3/ Signed December 20, 1967 with understandings; declaration made at the time of ratification

4/ Signed May 26, 1977; understandings made at the time of ratification

Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, 1968

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced, That the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware, That the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring, To contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1. The statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this instrument is an annex, shall be fully respected by the Parties in this Protocol in all its express aims and provisions.

Article 2. The Governments represented by the undersigned Plenipotentiaries undertake, therefore (not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies in accordance with article 4 thereof.

Article 3. The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Article 4. The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in articles 26, 27, 30 and 31 of the Treaty.

Article 5. This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof, the undersigned Plenipotentiaries, having deposited their full powers, found to be in good and due form, hereby sign this Additional Protocol on behalf of their respective Governments.

NOTE.—Signed on behalf of the United States, April 1, 1968; ratification advised by the Senate, April 19, 1971; ratified by the President and entered into force, May 12, 1971 [TIAS 7137]. Also signed and ratified by the United Kingdom.

PROPOSED STATEMENT ON RATIFICATION BY THE UNITED STATES OF AMERICA OF ADDITIONAL PROTOCOL II TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

I

The United States understands that the Treaty and its Protocols have no effect upon the international status of territorial claims.

The United States takes note of the Preparatory Commissioner's interpretation of the Treaty, as set forth in the Final Act, that, governed by the principles and rules of international law, each of the Contracting Parties retains exclusive power and legal competence, unaffected by the terms of the Treaty, to grant or deny non-Contracting Parties transit and transport privileges.

As regards the undertaking in article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, the United States would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under article 1 of the Treaty.

II

The United States wishes to point out again the fact that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons and the fact that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have the common group of characteristics of large amounts of energy generate instantaneously from a compact source. Therefore we understand the definition contained in article 5 of the Treaty as necessarily encompassing all nuclear explosive devices. It is our understanding that articles 1 and 5 restrict accordingly the activities of the Contracting Parties under paragraph 1 of article 18.

The United States further notes that paragraph 4 of article 18 of the Treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with Contracting Parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with our policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States calls attention to article V of the Nuclear Non-Proliferation Treaty, under which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapon states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

III

The United States also wishes to state that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of article 4 of the Treaty in the same manner as Protocol II requires it to act with respect to the territories of Contracting Parties.

Additional Protocol II

SIGNATORY COUNTRIES	ENTRY INTO FORCE
China (People's Republic of)	12 June 1974 1/
France	22 March 1974 2/
Soviet Union	8 January 1979 3/
United Kingdom of Great Britain and Northern Ireland	11 December 1969 4/
United States	12 May 1971 5/

1/ Signed August 21, 1973 with a declaration

2/ Signed July 18, 1973 with a declaration; complementary declaration to its ratification

3/ Signed May 18, 1978; declaration made at the time of ratification

4/ Signed December 20, 1967 with understandings; declaration made at the time of ratification

5/ Signed April 1, 1973 with a declaration; declaration made at the time of ratification

J. American Convention on Human Rights, 1969*
(In Force but Not for United States)

PREAMBLE

The American states signatory to the present Convention,

Reaffirming their intention to consolidate in this hemisphere, within the framework of democratic institutions, a system of personal liberty and social justice based on respect for the essential rights of man;

Recognizing that the essential rights of man are not derived from one's being a national of a certain state, but are based upon attributes of the human personality, and that they therefore justify international protection in the form of a convention reinforcing or complementing the protection provided by the domestic law of the American states;

Considering that these principles have been set forth in the Charter of the Organization of American States, in the American Declaration of the Rights and Duties of Man, and in the Universal Declaration of Human Rights, and that they have been reaffirmed and refined in other international instruments, worldwide as well as regional in scope;

Reiterating that, in accordance with the Universal Declaration of Human Rights, the ideal of free men enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social, and cultural rights, as well as his civil and political rights; and

Considering that the Third Special Inter-American Conference (Buenos Aires, 1967) approved the incorporation into the Charter of the Organization itself of broader standards with respect to economic, social, and educational rights and resolved that an inter-American convention on human rights should determine the structure, competence, and procedure of the organs responsible for these matters,

Having agreed upon the following:

PART I—STATE OBLIGATIONS AND RIGHTS PROTECTED

CHAPTER I.—GENERAL OBLIGATIONS

ARTICLE 1. OBLIGATION TO RESPECT RIGHTS

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

2. For the purposes of this Convention, "person" means every human being.

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* The American Convention on Human Rights entered into force on July 18, 1978.

** An Additional Protocol in the Area of Economic, Social and Cultural Rights (the "Protocol of San Salvador") was signed, on November 17, 1988, at the Eighteenth Regular Meeting of the OAS General Assembly, by Argentina, Bolivia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Mexico, Nicaragua, Panama, Peru, and Uruguay. No country has deposited instruments of ratification to the Additional Protocol.

ARTICLE 2. DOMESTIC LEGAL EFFECTS

Where the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms.

CHAPTER II.—CIVIL AND POLITICAL RIGHTS

ARTICLE 3. RIGHT TO JURIDICAL PERSONALITY

Every person has the right to recognition as a person before the law.

ARTICLE 4. RIGHT TO LIFE

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

2. In countries that have not abolished the death penalty, it may be imposed only for the most serious crimes and pursuant to a final judgment rendered by a competent court and in accordance with a law establishing such punishment, enacted prior to the commission of the crime. The application of such punishment shall not be extended to crimes to which it does not presently apply.

3. The death penalty shall not be reestablished in states that have abolished it.

4. In no case shall capital punishment be inflicted for political offenses or related common crimes.

5. Capital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age or over 70 years of age; nor shall it be applied to pregnant women.

6. Every person condemned to death shall have the right to apply for amnesty, pardon, or commutation of sentence, which may be granted in all cases. Capital punishment shall not be imposed while such a petition is pending decision by the competent authority.

ARTICLE 5. RIGHT TO HUMANE TREATMENT

1. Every person has the right to have his physical, mental, and moral integrity respected.

2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

3. Punishment shall not be extended to any person other than the criminal.

4. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons.

5. Minors while subject to criminal proceedings shall be separated from adults and brought before specialized tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors.

6. Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.

ARTICLE 6. FREEDOM FROM SLAVERY

1. No one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as are the slave trade and traffic in women.

2. No one shall be required to perform forced or compulsory labor. This provision shall not be interpreted to mean that, in those countries in which the penalty established for certain crimes is deprivation of liberty at forced labor, the carrying out of such a sentence imposed by a competent court is prohibited. Forced labor shall not adversely affect the dignity or the physical or intellectual capacity of the prisoner.

3. For the purposes of this article, the following do not constitute forced or compulsory labor:

(a) work or service normally required of a person imprisoned in execution of a sentence or formal decision passed by the competent judicial authority. Such work or service shall be carried out under the supervision and control of public authorities, and any persons performing such work or service shall not be placed at the disposal of any private party, company, or juridical person;

(b) military service and, in countries in which conscientious objectors are recognized, national service that the law may provide for in lieu of military service;

(c) service exacted in time of danger or calamity that threatens the existence or the well-being of the community; or

(d) work or service that forms part of normal civic obligations.

ARTICLE 7. RIGHT TO PERSONAL LIBERTY

1. Every person has the right to personal liberty and security.

2. No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto.

3. No one shall be subject to arbitrary arrest or imprisonment.

4. Anyone who is detained shall be informed of the reasons for his detention and shall be promptly notified of the charge or charges against him.

5. Any person detained shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to be released without prejudice to the continuation of the proceedings. His release may be subject to guarantees to assure his appearance for trial.

6. Anyone who is deprived of his liberty shall be entitled to recourse to a competent court, in order that the court may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful. In States Parties whose laws provide that anyone who believes himself to be threatened with deprivation of his liberty is entitled to recourse to a competent court in order that it may decide on the lawfulness of such threat, this remedy may

not be restricted or abolished. The interested party or another person in his behalf is entitled to seek these remedies.

7. No one shall be detained for debt. This principle shall not limit the orders of a competent judicial authority issued for nonfulfillment of duties of support.

ARTICLE 8. RIGHT TO A FAIR TRIAL

1. Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.

2. Every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proven according to law. During the proceedings, every person is entitled, with full equality, to the following minimum guarantees:

(a) the right of the accused to be assisted without charge by a translator or interpreter, if he does not understand or does not speak the language of the tribunal or court;

(b) prior notification in detail to the accused of the charges against him;

(c) adequate time and means for the preparation of his defense;

(d) the right of the accused to defend himself personally or to be assisted by legal counsel of his own choosing, and to communicate freely and privately with his counsel;

(e) the inalienable right to be assisted by counsel provided by the state, paid or not as the domestic law provides, if the accused does not defend himself personally or engage his own counsel within the time period established by law;

(f) the right of the defense to examine witnesses present in the court and to obtain the appearance, as witnesses, of experts or other persons who may throw light on the facts;

(g) the right not to be compelled to be a witness against himself or to plead guilty; and

(h) the right to appeal the judgment to a higher court.

3. A confession of guilt by the accused shall be valid only if it is made without coercion of any kind.

4. An accused person acquitted by a nonappealable judgment shall not be subjected to a new trial for the same cause.

5. Criminal proceedings shall be public, except insofar as may be necessary to protect the interests of justice.

ARTICLE 9. FREEDOM FROM EX POST FACTO LAWS

No one shall be convicted of any act or omission that did not constitute a criminal offense, under the applicable law, at the time it was committed. A heavier penalty shall not be imposed than the one that was applicable at the time the criminal offense was committed. If subsequent to the commission of the offense the law provides for the imposition of a lighter punishment, the guilty person shall benefit therefrom.

ARTICLE 10. RIGHT TO COMPENSATION

Every person has the right to be compensated in accordance with the law in the event he has been sentenced by a final judgment through a miscarriage of justice.

ARTICLE 11. RIGHT TO PRIVACY

1. Everyone has the right to have his honor respected and his dignity recognized.

2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.

3. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 12. FREEDOM OF CONSCIENCE AND RELIGION

1. Everyone has the right to freedom of conscience and of religion. This right includes freedom to maintain or to change one's religion or beliefs, and freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private.

2. No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs.

3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others.

4. Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.

ARTICLE 13. FREEDOM OF THOUGHT AND EXPRESSION

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:

   (a) respect for the rights or reputations of others; or

   (b) the protection of national security, public order, or public health or morals.

3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.

4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.

5. Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar illegal action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.

ARTICLE 14. RIGHT OF REPLY

1. Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or to make a correction using the same communications outlet, under such conditions as the law may establish.

2. The correction or reply shall not in any case remit other legal liabilities that may have been incurred.

3. For the effective protection of honor and reputation, every publisher, and every newspaper, motion picture, radio, and television company, shall have a person responsible who is not protected by immunities or special privileges.

ARTICLE 15. RIGHT OF ASSEMBLY

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedoms of others.

ARTICLE 16. FREEDOM OF ASSOCIATION

1. Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes.

2. The exercise of this right shall be subject only to such restrictions established by law as may be necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others.

3. The provisions of this article do not bar the imposition of legal restrictions, including even deprivation of the exercise of the right of association, on members of the armed forces and the police.

ARTICLE 17. RIGHTS OF THE FAMILY

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

2. The right of men and women of marriageable age to marry and to raise a family shall be recognized, if they meet the conditions required by domestic laws, insofar as such conditions do not affect the principle of nondiscrimination established in this Convention.

3. No marriage shall be entered into without free and full consent of the intending spouses.

4. The States Parties shall take appropriate steps to ensure the equality of rights and the adequate balancing of responsibilities of

the spouses as to marriage, during marriage, and in the event of its dissolution. In case of dissolution, provision shall be made for the necessary protection of any children solely on the basis of their own best interests.

5. The law shall recognize equal rights for children born out of wedlock and those born in wedlock.

ARTICLE 18. RIGHT TO A NAME

Every person has the right to a given name and to the surnames of his parents or that of one of them. The law shall regulate the manner in which this right shall be ensured for all, by the use of assumed names if necessary.

ARTICLE 19. RIGHTS OF THE CHILD

Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state.

ARTICLE 20. RIGHT TO NATIONALITY

1. Every person has the right to a nationality.

2. Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.

3. No one shall be arbitrarily deprived of his nationality or of the right to change it.

ARTICLE 21. RIGHT TO PROPERTY

1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.

2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.

3. Usury and any other form of exploitation of man by man shall be prohibited by law.

ARTICLE 22. FREEDOM OF MOVEMENT AND RESIDENCE

1. Every person lawfully in the territory of a State Party has the right to move about in it, and to reside in it subject to the provisions of the law.

2. Every person has the right to leave any country freely, including his own.

3. The exercise of the foregoing may be restricted only pursuant to a law to the extent necessary in a democratic society to prevent crime or to protect national security, public safety, public order, public morals, public health, or the rights or freedoms of others.

4. The exercise of the rights recognized in paragraph 1 may also be restricted by law in designated zones for reasons of public interest.

5. No one can be expelled from the territory of the state of which he is a national or be deprived of the right to enter it.

6. An alien lawfully in the territory of a State Party to this Convention may be expelled from it only pursuant to a decision reached in accordance with law.

7. Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and international conventions, in the event he is being pursued for political offenses or related common crimes.

8. In no case may an alien be deported or returned to a country, regardless of whether or not it is his country of origin, if in that country his right to life or personal freedom is in danger of being violated because of his race, nationality, religion, social status, or political opinions.

9. The collective expulsion of aliens is prohibited.

ARTICLE 23. RIGHT TO PARTICIPATE IN GOVERNMENT

1. Every citizen shall enjoy the following rights and opportunities:

(a) to take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and

(c) to have access, under general conditions of equality, to the public service of his country.

2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

ARTICLE 24. RIGHT TO EQUAL PROTECTION

All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.

ARTICLE 25. RIGHT TO JUDICIAL PROTECTION

1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

2. The States Parties undertake:

(a) to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;

(b) to develop the possibilities of judicial remedy; and

(c) to ensure that the competent authorities shall enforce such remedies when granted.

CHAPTER III.—ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

ARTICLE 26. PROGRESSIVE DEVELOPMENT

The States Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

CHAPTER IV.—SUSPENSION OF GUARANTEES, INTERPRETATION, AND APPLICATION

ARTICLE 27. SUSPENSION OF GUARANTEES

1. In time of war, public danger, or other emergency that threatens the independence or security of a State Party, it may take measures derogating from its obligations under the present Convention to the extent and for the period of time strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law and do not involve discrimination on the ground of race, color, sex, language, religion, or social origin.

2. The foregoing provision does not authorize any suspension of the following articles: Article 3 (Right to Juridical Personality), Article 4 (Right to Life), Article 5 (Right to Humane Treatment), Article 6 (Freedom from Slavery), Article 9 (Freedom from *Ex Post Facto* Laws), Article 12 (Freedom of Conscience and Religion), Article 17 (Rights of the Family), Article 18 (Right to a Name), Article 19 (Rights of the Child), Article 20 (Right to Nationality), and Article 23 (Right to Participate in Government), or of the judicial guarantees essential for the protection of such rights.

3. Any State Party availing itself of the right of suspension shall immediately inform the other States Parties, through the Secretary General of the Organization of American States, of the provisions the application of which it has suspended, the reasons that gave rise to the suspension, and the date set for the termination of such suspension.

ARTICLE 28. FEDERAL CLAUSE

1. Where a State Party is constituted as a federal state, the national government of such State Party shall implement all the provisions of the Convention over whose subject matter it exercises legislative and judicial jurisdiction.

2. With respect to the provisions over whose subject matter the constituent units of the federal state have jurisdiction, the national government shall immediately take suitable measures, in accordance with its constitution and its laws, to the end that the competent

authorities of the constituent units may adopt appropriate provisions for the fulfillment of this Convention.

3. Whenever two or more States Parties agree to form a federation or other type of association, they shall take care that the resulting federal or other compact contains the provisions necessary for continuing and rendering effective the standards of this Convention in the new state that is organized.

ARTICLE 29. RESTRICTIONS REGARDING INTERPRETATION

No provision of this Convention shall be interpreted as:

a. permitting any State Party, group, or person to suppress the enjoyment or exercise of the rights and freedoms recognized in this Convention or to restrict them to a greater extent than is provided for herein;

b. restricting the enjoyment or exercise of any right or freedom recognized by virtue of the laws of any State Party or by virtue of another convention to which one of the said states is a party;

c. precluding other rights or guarantees that are inherent in the human personality or derived from representative democracy as a form of government; or

d. excluding or limiting the effect that the American Declaration of the Rights and Duties of Man and other international acts of the same nature may have.

ARTICLE 30. SCOPE OF RESTRICTIONS

The restrictions that, pursuant to this Convention, may be placed on the enjoyment or exercise of the rights or freedoms recognized herein may not be applied except in accordance with laws enacted for reasons of general interest and in accordance with the purpose for which such restrictions have been established.

ARTICLE 31. RECOGNITION OF OTHER RIGHTS

Other rights and freedoms recognized in accordance with the procedures established in Articles 76 and 77 may be included in the system of protection of this Convention.

CHAPTER V.—PERSONAL RESPONSIBILITIES

ARTICLE 32. RELATIONSHIP BETWEEN DUTIES AND RIGHTS

1. Every person has responsibilities to his family, his community, and mankind.

2. The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society.

PART II—MEANS OF PROTECTION

CHAPTER VI.—COMPETENT ORGANS

ARTICLE 33

The following organs shall have competence with respect to matters relating to the fulfillment of the commitments made by the States Parties to this Convention:

(a) the Inter-American Commission on Human Rights, referred to as "The Commission"; and

(b) the Inter-American Court of Human Rights, referred to as "The Court."

CHAPTER VII.—INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Section 1.—Organization

ARTICLE 34

The Inter-American Commission on Human Rights shall be composed of seven members, who shall be persons of high moral character and recognized competence in the field of human rights.

ARTICLE 35

The Commission shall represent all the member countries of the Organization of American States.

ARTICLE 36

1. The members of the Commission shall be elected in a personal capacity by the General Assembly of the Organization from a list of candidates proposed by the governments of the member states.

2. Each of those governments may propose up to three candidates, who may be nationals of the states proposing them or of any other member state of the Organization of American States. When a slate of three is proposed, at least one of the candidates shall be a national of a state other than the one proposing the slate.

ARTICLE 37

1. The members of the Commission shall be elected for a term of four years and may be reelected only once, but the terms of three of the members chosen in the first election shall expire at the end of two years. Immediately following that election the General Assembly shall determine the names of those three members by lot.

2. No two nationals of the same state may be members of the Commission.

ARTICLE 38

Vacancies that may occur on the Commission for reasons other than the normal expiration of a term shall be filled by the Permanent Council of the Organization in accordance with the provisions of the Statute of the Commission.

ARTICLE 39

The Commission shall prepare its Statute, which it shall submit to the General Assembly for approval. It shall establish its own Regulations.

ARTICLE 40

Secretariat services for the Commission shall be furnished by the appropriate specialized unit of the General Secretariat of the Organization. This unit shall be provided with the resources required to accomplish the tasks assigned to it by the Commission.

Section 2.—Functions

ARTICLE 41

The main function of the Commission shall be to promote respect for and defense of human rights. In the exercise of its mandate, it shall have the following functions and powers:

(a) to develop an awareness of human rights among the peoples of America;

(b) to make recommendations to the governments of the member states, when it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic law and constitutional provisions as well as appropriate measures to further the observance of those rights;

(c) to prepare such studies or reports as it considers advisable in the performance of its duties;

(d) to request the governments of the member states to supply it with information on the measures adopted by them in matters of human rights;

(e) to respond, through the General Secretariat of the Organization of American States, to inquiries made by the member states on matters related to human rights and, within the limits of its possibilities, to provide those states with the advisory services they request;

(f) to take action on petitions and other communications pursuant to its authority under the provisions of Articles 44 through 51 of this Convention; and

(g) to submit an annual report to the General Assembly of the Organization of American States.

ARTICLE 42

The States Parties shall transmit to the Commission a copy of each of the reports and studies that they submit annually to the Executive Committees of the Inter-American Economic and Social Council and the Inter-American Council for Education, Science, and Culture, in their respective fields, so that the Commission may watch over the promotion of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

ARTICLE 43

The States Parties undertake to provide the Commission with such information as it may request of them as to the manner in which their domestic law ensures the effective application of any provisions of this Convention.

Section 3.—Competence

ARTICLE 44

Any person or group of persons, or any nongovernmental entity legally recognized in one of more member states of the Organization, may lodge petitions with the Commission containing denunciations or complaints of violation of this Convention by a State Party.

ARTICLE 45

1. Any State Party may, when it deposits its instrument of ratification of or adherence to this Convention, or at any later time, declare that it recognizes the competence of the Commission to receive and examine communications in which a State Party alleges that another State Party has committed a violation of a human right set forth in this Convention.

2. Communications presented by virtue of this article may be admitted and examined only if they are presented by a State Party that has made a declaration recognizing the aforementioned competence of the Commission. The Commission shall not admit any communication against a State Party that has not made such a declaration.

3. A declaration concerning recognition of competence may be made to be valid for an indefinite time, for a specified period, or for a specific case.

4. Declarations shall be deposited with the General Secretariat of the Organization of American States, which shall transmit copies thereof to the member states of that Organization.

ARTICLE 46

1. Admission by the Commission of a petition or communication lodged in accordance with Articles 44 or 45 shall be subject to the following requirements:

(a) that the remedies under domestic law have been pursued and exhausted in accordance with generally recognized principles of international law;

(b) that the petition or communication is lodged within a period of six months from the date on which the party alleging violation of his rights was notified of the final judgment;

(c) that the subject of the petition or communication is not pending in another international proceeding for settlement; and

(d) that, in the case of Article 44, the petition contains the name, nationality, profession, domicile, and signature of the person or persons or of the legal representative of the entity lodging the petition.

2. The provisions of paragraphs 1.a and 1.b of this article shall not be applicable when:

(a) the domestic legislation of the state concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated;

(b) the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or

(c) there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

ARTICLE 47

The Commission shall consider inadmissible any petition or communication submitted under Articles 44 or 45 if:

(a) any of the requirements indicated in Article 46 has not been met;

(b) the petition or communication does not state facts that tend to establish a violation of the rights guaranteed by this Convention;

(c) the statements of the petitioner or of the state indicate that the petition or communication is manifestly groundless or obviously out of order; or

(d) the petition or communication is substantially the same as one previously studied by the Commission or by another international organization.

Section 4.—Procedure

ARTICLE 48

1. When the Commission receives a petition or communication alleging violation of any of the rights protected by this Convention, it shall proceed as follows:

(a) If it considers the petition or communication admissible, it shall request information from the government of the state indicated as being responsible for the alleged violations and shall furnish that government a transcript of the pertinent portions of the petition or communication. This information shall be submitted within a reasonable period to be determined by the Commission in accordance with the circumstances of each case.

(b) After the information has been received, or after the period established has elapsed and the information has not been received, the Commission shall ascertain whether the grounds for the petition or communication still exist. If they do not, the Commission shall order the record to be closed.

(c) The Commission may also declare the petition or communication inadmissible or out of order on the basis of information or evidence subsequently received.

(d) If the record has not been closed, the Commission shall, with the knowledge of the parties, examine the matter set forth in the petition or communication in order to verify the facts. If necessary and advisable, the Commission shall carry out an investigation, for the effective conduct of which it shall request, and the states concerned shall furnish to it, all necessary facilities.

(e) The Commission may request the states concerned to furnish any pertinent information and, if so requested, shall hear oral statements or receive written statements from the parties concerned.

(f) The Commission shall place itself at the disposal of the parties concerned with a view to reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention.

2. However, in serious and urgent cases, only the presentation of a petition or communication that fulfills all the formal requirements of admissibility shall be necessary in order for the Commission to conduct an investigation with the prior consent of the state in whose territory a violation has allegedly been committed.

ARTICLE 49

If a friendly settlement has been reached in accordance with paragraph 1.f of Article 48, the Commission shall draw up a report, which shall be transmitted to the petitioner and to the States Parties to this Convention, and shall then be communicated to the Secretary General of the Organization of American States for publication. This report shall contain a brief statement of the facts and of the solution reached. If any party in the case so requests, the fullest possible information shall be provided to it.

ARTICLE 50

1. If a settlement is not reached, the Commission shall, within the time limit established by its Statute, draw up a report setting forth the facts and stating its conclusions. If the report, in whole or in part, does not represent the unanimous agreement of the members of the Commission, any member may attach to it a separate opinion. The written and oral statements made by the parties in accordance with paragraph 1.e of Article 48 shall also be attached to the report.

2. The report shall be transmitted to the states concerned, which shall not be at liberty to publish it.

3. In transmitting the report, the Committee may make such proposals and recommendations as it sees fit.

ARTICLE 51

1. If, within a period of three months from the date of the transmittal of the report of the Commission to the states concerned, the matter has not either been settled or submitted by the Commission or by the state concerned to the Court and its jurisdiction accepted, the Commission may, by the vote of an absolute majority of its members, set forth its opinion and conclusions concerning the question submitted for its consideration.

2. Where appropriate, the Commission shall make pertinent recommendations and shall prescribe a period within which the state is to take the measures that are incumbent upon it to remedy the situation examined.

3. When the prescribed period has expired, the Commission shall decide by the vote of an absolute majority of its members whether the state has taken adequate measures and whether to publish its report.

CHAPTER VIII—INTER-AMERICAN COURT OF HUMAN RIGHTS

Section 1.—Organization

ARTICLE 52

1. The Court shall consist of seven judges, nationals of the member states of the Organization, elected in an individual capacity from among jurists of the highest moral authority and of recognized competence in the field of human rights, who possess the qualifications required for the exercise of the highest judicial functions in conformity with the law of the state of which they are nationals or of the state that proposes them as candidates.

2. No two judges may be nationals of the same state.

ARTICLE 53

1. The judges of the Court shall be elected by secret ballot by an absolute majority vote of the States Parties to the Convention, in the General Assembly of the Organization, from a panel of candidates proposed by those states.

2. Each of the States Parties may propose up to three candidates, nationals of the state that proposes them or of any other member state of the Organization of American States. When a slate of three is proposed, at least one of the candidates shall be a national of a state other than the one proposing the slate.

ARTICLE 54

1. The judges of the Court shall be elected for a term of six years and may be reelected only once. The term of three of the judges chosen in the first election shall expire at the end of three years. Immediately after the election, the names of the three judges shall be determined by lot in the General Assembly.

2. A judge elected to replace a judge whose term has not expired shall complete the term of the latter.

3. The judges shall continue in office until the expiration of their term. However, they shall continue to serve with regard to cases that they have begun to hear and that are still pending, for which purposes they shall not be replaced by the newly elected judges.

ARTICLE 55

1. If a judge is a national of any of the States Parties to a case submitted to the Court, he shall retain his right to hear that case.

2. If one of the judges called upon to hear a case should be a national of one the States Parties to the case, any other State Party in the case may appoint a person of its choice to serve on the Court as an *ad hoc* judge.

3. If among the judges called upon to hear a case none is a national of any of the States Parties to the case, each of the latter may appoint an *ad hoc* judge.

4. An *ad hoc* judge shall possess the qualifications indicated in Article 52.

5. If several States Parties to the Convention should have the same interest in a case, they shall be considered as a single party for purposes of the above provisions. In case of doubt, the Court shall decide.

ARTICLE 56

Five judges shall constitute a quorum for the transaction of business by the Court.

ARTICLE 57

The Commission shall appear in all cases before the Court.

ARTICLE 58

1. The Court shall have its seat at the place determined by the States Parties to the Convention in the General Assembly of the Organization; however, it may convene in the territory of any member state of the Organization of American States when a majority of the Court consider it desirable, and with the prior consent of the state concerned. The seat of the Court may be changed by the States Parties to the Convention in the General Assembly by a two-thirds vote.

2. The Court shall appoint its own Secretary.

3. The Secretary shall have his office at the place where the Court has its seat and shall attend the meetings that the Court may hold away from its seat.

ARTICLE 59

The Court shall establish its Secretariat, which shall function under the direction of the Secretary of the Court, in accordance with the administrative standards of the General Secretariat of the Organization in all respect not incompatible with the independence of the Court. The staff of the Court's Secretariat shall be appointed by the Secretary General of the Organization, in consultation with the Secretary of the Court.

ARTICLE 60

The Court shall draw up its Statute which it shall submit to the General Assembly for approval. It shall adopt its own Rules of Procedure.

Section 2.—Jurisdiction and Functions

ARTICLE 61

1. Only the States Parties and the Commission shall have the right to submit a case to the Court.

2. In order for the Court to hear a case, it is necessary that the procedures set forth in Articles 48 to 50 shall have been completed.

ARTICLE 62

1. A State Party may, upon depositing its instrument of ratification or adherence to this Convention, or at any subsequent time, declare that it recognizes as binding, *ipso facto*, and not requiring special agreement, the jurisdiction of the Court on all matters relating to the interpretation or application of this Convention.

2. Such declaration may be made unconditionally, on the condition of reciprocity, for a specified period, or for specific cases. It shall be presented to the Secretary General of the Organization, who shall transmit copies thereof to the other member states of the Organization and to the Secretary of the Court.

3. The jurisdiction of the Court shall comprise all cases concerning the interpretation and application of the provisions of this Convention that are submitted to it, provided that the States Parties to the case recognize or have recognized such jurisdiction, whether by special declaration pursuant to the preceding paragraphs, or by a special agreement.

ARTICLE 63

1. If the Court finds that there has been a violation of a right or freedom protected by this Convention, the Court shall rule that the injured party be ensured the enjoyment of his right or freedom that was violated. It shall also rule, if appropriate, that the consequences of the measure or situation that constituted the breach of such right or freedom be remedied and that fair compensation be paid to the injured party.

2. In cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration. With respect to a case not yet submitted to the Court, it may act at the request of the Commission.

ARTICLE 64

1. The member states of the Organization may consult the Court regarding the interpretation of this Convention or of other treaties concerning the protection of human rights in the American states. Within their spheres of competence, the organs listed in Chapter X of the Charter of the Organization of American States, as amended by the Protocol of Buenos Aires, may in like manner consult the Court.

2. The Court, at the request of a member state of the Organization, may provide that state with opinions regarding the compatibility of any of its domestic laws with the aforesaid international instruments.

ARTICLE 65

To each regular session of the General Assembly of the Organization of American States the Court shall submit, for the Assembly's consideration, a report on its work during the previous year. It shall specify, in particular, the cases in which a state has not complied with its judgments, making any pertinent recommendations.

Section 3.—Procedure

ARTICLE 66

1. Reasons shall be given for the judgment of the Court.
2. If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to have his dissenting or separate opinion attached to the judgment.

ARTICLE 67

The judgment of the Court shall be final and not subject to appeal. In case of disagreement as to the meaning or scope of the judgment, the Court shall interpret it at the request of any of the parties, provided the request is made within ninety days from the date of notification of the judgment.

ARTICLE 68

1. The States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties.
2. That part of a judgment that stipulates compensatory damages may be executed in the country concerned in accordance with domestic procedure governing the execution of judgments against the state.

ARTICLE 69

The parties to the case shall be notified of the judgment of the Court and it shall be transmitted to the States Parties to the Convention.

CHAPTER IX.—COMMON PROVISIONS

ARTICLE 70

1. The judges of the Court and the members of the Commission shall enjoy, from the moment of their election and throughout their term of office, the immunities extended to diplomatic agents in accordance with international law. During the exercise of their official function they shall, in addition, enjoy the diplomatic privileges necessary for the performance of their duties.
2. At no time shall the judges of the Court or the members of the Commission be held liable for any decisions or opinions issued in the exercise of their functions.

ARTICLE 71

The position of judge of the Court or member of the Commission is incompatible with any other activity that might affect the independence or impartiality of such judge or member, as determined in the respective statutes.

ARTICLE 72

The judges of the Court and the members of the Commission shall receive emoluments and travel allowances in the form and under the conditions set forth in their statutes, with due regard for the importance and independence of their office. Such emoluments and travel allowances shall be determined in the budget of the Organization of American States, which shall also include the expenses of the Court and its Secretariat. To this end, the Court shall draw up its own budget and submit it for approval to the General Assembly through the General Secretariat. The latter may not introduce any changes in it.

ARTICLE 73

The General Assembly may, only at the request of the Commission or the Court, as the case may be, determine sanctions to be applied against members of the Commission or judges of the Court when there are justifiable grounds for such action as set forth in the respective statutes. A vote of a two-thirds majority of the member states of the Organization shall be required for a decision in the case of members of the Commission and, in the case of judges of the Court, a two-thirds majority vote of the States Parties to the Convention shall also be required.

PART III—GENERAL AND TRANSITORY PROVISIONS

CHAPTER X.—SIGNATURE, RATIFICATION, RESERVATIONS, AMENDMENTS, PROTOCOLS, AND DENUNCIATION

ARTICLE 74

1. This Convention shall be open for signature and ratification by or adherence of any member state of the Organization of American States.
2. Ratification of or adherence to this Convention shall be made by the deposit of an instrument of ratification or adherence with the General Secretariat of the Organization of American States. As soon as eleven states have deposited their instruments of ratification or adherence, the Convention shall enter into force. With respect to any state that ratifies or adheres thereafter, the Convention shall enter into force on the date of the deposit of its instrument of ratification or adherence.
3. The Secretary General shall inform all member states of the Organization of the entry into force of the Convention.

ARTICLE 75

This Convention shall be subject to reservations only in conformity with the provisions of the Vienna Convention on the Law of Treaties signed on May 23, 1969.

ARTICLE 76

1. Proposals to amend this Convention may be submitted to the General Assembly for the action it deems appropriate by any State Party directly, and by the Commission or the Court through the Secretary General.
2. Amendments shall enter into force for the states ratifying them on the date when two-thirds of the States Parties to this Convention have deposited their respective instruments of ratification. With re-

spect to the other States Parties, the amendments shall enter into force on the dates on which they deposit their respective instruments of ratification.

ARTICLE 77

1. In accordance with Article 31, any State Party and the Commission may submit proposed protocols to this Convention for consideration by the States Parties at the General Assembly with a view to gradually including other rights and freedoms within its system of protection.

2. Each protocol shall determine the manner of its entry into force and shall be applied only among the States Parties to it.

ARTICLE 78

1. The States Parties may denounce this Convention at the expiration of a five-year period starting from the date of its entry into force and by means of notice given one year in advance. Notice of the denunciation shall be addressed to the Secretary General of the Organization, who shall inform the other States Parties.

2. Such a denunciation shall not have the effect of releasing the State Party concerned from the obligations contained in this Convention with respect to any act that may constitute a violation of those obligations and that has been taken by that state prior to the effective date of denunciation.

CHAPTER XI.—TRANSITORY PROVISIONS

Section 1.—Inter-American Commission on Human Rights

ARTICLE 79

Upon the entry into force of this Convention, the Secretary General shall, in writing, request each member state of the Organization to present, within ninety days, its candidates for membership on the Inter-American Commission on Human Rights. The Secretary General shall prepare a list in alphabetical order of the candidates presented, and transmit it to the member states of the Organization at least thirty days prior to the next session of the General Assembly.

ARTICLE 80

The members of the Commission shall be elected by secret ballot of the General Assembly from the list of candidates referred to in Article 79. The candidates who obtain the largest number of votes and an absolute majority of the votes of the representatives of the member states shall be declared elected. Should it become necessary to have several ballots in order to elect all the members of the Commission, the candidates who receive the smallest number of votes shall be eliminated successively, in the manner determined by the General Assembly.

Section 2.—Inter-American Court of Human Rights

ARTICLE 81

Upon the entry into force of this Convention, the Secretary General shall, in writing, request each State Party to present, within ninety days, its candidates for membership on the Inter-American Court of Human Rights. The Secretary General shall prepare a list in alphabetical order of the candidates presented and transmit it to the States Parties at least thirty days prior to the next session of the General Assembly.

ARTICLE 82

The judges of the Court shall be elected from the list of candidates referred to in Article 81, by secret ballot of the States Parties to the Convention in the General Assembly. The candidates who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties shall be declared elected. Should it become necessary to have several ballots in order to elect all the judges of the Court, the candidates who receive the smallest number of votes shall be eliminated successively, in the manner determined by the States Parties.

Statements and Reservations

Statement of Chile

The Delegation of Chile signs this Convention, subject to its subsequent parliamentary approval and ratification, in accordance with the constitutional rules in force.

Statement of Ecuador

The Delegation of Ecuador has the honor of signing the American Convention of Human Rights. It does not believe that it is necessary to make any specific reservation at this time, without prejudice to the general power set forth in the Convention itself that leaves the governments free to ratify it or not.

Reservation of Uruguay

Article 80.2 of the Constitution of Uruguay provides that citizenship is suspended for a person indicted according to law in a criminal prosecution that may result in a sentence of imprisonment in a penitentiary. This restriction on the exercise of the rights recognized in Article 23 of the Convention is not envisaged among the circumstances provided for in this respect by paragraph 2 of Article 23, for which reason the Delegation of Uruguay expresses a reservation on this matter.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, whose full powers were found in good and due form, sign this Convention, which shall be called "PACT OF SAN JOSE, COSTA RICA", (in the city of San José, Costa Rica, this twenty-second day of November, nineteen hundred and sixty-nine.)

American Convention on Human Rights*

SIGNATORY COUNTRIES	DEPOSIT OF RATIFICATION			
Argentina	5	September	1984	1/
Barbados	27	November	1982	2/
Bolivia	19	July	1979	3/
Chile				4/
Colombia	31	July	1973	5/
Costa Rica	8	April	1970	6/
Dominican Republic	19	April	1978	7/
Ecuador	28	December	1977	8/
El Salvador	23	June	1978	9/
Grenada	18	July	1978	10/
Guatemala	25	May	1978	11/
Haiti	27	September	1977	12/
Honduras	8	September	1977	13/
Jamaica	7	August	1978	14/
Mexico	3	April	1982	15/
Nicaragua	25	September	1979	
Panama	22	June	1978	
Paraguay				
Peru	28	July	1978	16/
United States				17/
Uruguay	19	April	1985	18/
Venezuela	9	August	1977	19/

All states listed herein signed the Convention on November 22, 1969, with exception of those indicated in the notes.

1/ Signed February 2, 1984 at the OAS General Secretariat; reservation and interpretative declarations made at the time of ratification

2/ Signed June 20, 1978 at the OAS General Secretariat; reservations made at the time of ratification

3/ Accession

4/ Declaration made at the time of signature

5/ Recognition of Competence

6/ Recognition of Competence

7/ Signed September 7, 1977 at the OAS General Secretariat with a declaration

8/ Declaration made at the time of signature; recognition of competence

9/ Declaration and reservations made at the time of ratification

10/ Signed July 14, 1978 at the OAS General Secretariat

11/ Reservation made at the time of ratification

12/ Accession

13/ Recognition of Competence

14/ Signed September 16, 1977 at the OAS General Secretariat; declaration made at the time of ratification

15/ Accession; declarations and reservation made at the time of ratification

16/ Signed July 27, 1977 at the OAS General Secretariat; Recognition of Competence

17/ Signed June 1, 1977 at the OAS General Secretariat

18/ Reservation made at the time of signature; reservation made at the time of ratification

19/ Reservation and declaration made at the time of ratification

*Source: Inter-American Treaties and Conventions, Treaty Series No. 9, General Secretariat, OAS, Washington, D.C.
Entry into Force: July 18, 1978, in accordance with Article 74.2 of the Convention

K. Convention To Prevent and Punish Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance, 1971[1]

WHEREAS:

The defense of freedom and justice and respect for the fundamental rights of the individual that are recognized by the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights are primary duties of states;

The General Assembly of the Organization, in Resolution 4, of June 30, 1970, strongly condemned acts of terrorism, especially the kidnapping of persons and extortion in connection with that crime, which it declared to be serious common crimes;

Criminal acts against persons entitled to special protection under international law are occurring frequently, and those acts are of international significance because of the consequences that may flow from them for relations among states;

It is advisable to adopt general standards that will progressively develop international law as regards cooperation in the prevention and punishment of such acts; and

In the application of those standards the institution of asylum should be maintained and, likewise the principle of nonintervention should not be impaired,

The member states of the Organization of American States have agreed upon the following articles:

ARTICLE 1

The contracting states undertake to cooperate among themselves by taking all the measures that they may consider effective, under their own laws, and especially those established in this convention, to prevent and punish acts of terrorism, especially kidnapping, murder, and other assaults against the life or physical integrity of those persons to whom the state has the duty according to international law to give special protection, as well as extortion in connection with those crimes.

ARTICLE 2

For the purposes of this convention, kidnapping, murder, and other assaults against the life or personal integrity of those persons to whom the state has the duty to give special protection according to international law, as well as extortion in connection with those crimes, shall be considered common crimes of international significance, regardless of motive.

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[1] Adopted at the 3d Special Session of the OAS General Assembly, Washington, D.C., January 25–February 2, 1971.

ARTICLE 3

Persons who have been charged or convicted for any of the crimes referred to in Article 2 of this convention shall be subject to extradition under the provisions of the extradition treaties in force between the parties or, in the case of states that do not make extradition dependent on the existence of a treaty, in accordance with their own laws.

In any case, it is the exclusive responsibility of the state under whose jurisdiction or protection such persons are located to determine the nature of the acts and decide whether the standards of this convention are applicable.

ARTICLE 4

Any person deprived of his freedom through the application of this convention shall enjoy the legal guarantees of due process.

ARTICLE 5

When extradition requested for one of the crimes specified in Article 2 is not in order because the person sought is a national of the requested state, or because of some other legal or constitutional impediment, that state is obliged to submit the case to its competent authorities for prosecution, as if the act had been committed in its territory. The decision of these authorities shall be communicated to the state that requested extradition. In such proceedings, the obligation established in Article 4 shall be respected.

ARTICLE 6

None of the provisions of this convention shall be interpreted so as to impair the right of asylum.

ARTICLE 7

The contracting states undertake to include the crimes referred to in Article 2 of this convention among the punishable acts giving rise to extradition in any treaty on the subject to which they agree among themselves in the future. The contracting states that do not subject extradition to the existence of a treaty with the requesting state shall consider the crimes referred to in Article 2 of this convention as crimes giving rise to extradition, according to the conditions established by the laws of the requested state.

ARTICLE 8

To cooperate in preventing and punishing the crimes contemplated in Article 2 of this convention, the contracting states accept the following obligations:

a. To take all measures within their power, and in conformity with their own laws, to prevent and impede the preparation in their respective territories of the crimes mentioned in Article 2 that are to be carried out in the territory of another contracting state.

b. To exchange information and consider effective administrative measures for the purpose of protecting the persons to whom Article 2 of this convention refers.

c. To guarantee to every person deprived of his freedom through the application of this convention every right to defend himself.

d. To endeavor to have the criminal acts contemplated in this convention included in their penal laws, if not already so included.

e. To comply most expeditiously with the requests for extradition concerning the criminals acts contemplated in this convention.

ARTICLE 9

This convention shall remain open for signature by the member states of the Organization of American States, as well as by any other state that is a member of the United Nations or any of its specialized agencies, or any state that is a party to the Statute of the International Court of Justice, or any other state that may be invited by the General Assembly of the Organization of American States to sign it.

ARTICLE 10

This convention shall be ratified by the signatory stages in accordance with their respective constitutional procedures.

ARTICLE 11

The original instrument of this convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited in the General Secretariat of the Organization of American States, which shall send certified copies to the signatory governments for purposes of ratification. The instruments of ratification shall be deposited in the General Secretariat of the Organization of American States, which shall notify the signatory governments of such deposit.

ARTICLE 12

This convention shall enter into force among the states that ratify it when they deposit their respective instruments of ratification.

ARTICLE 13

This convention shall remain in force indefinitely, but any of the contracting states may denounce it. The denunciation shall be transmitted to the General Secretariat of the Organization of American States which shall notify the other contracting states thereof. One year following the denunciation, the convention shall cease to be in force for the denouncing state, but shall continue to be in force for the other contracting states.

STATEMENT OF PANAMA

The Delegation of Panama states for the record that nothing in this convention shall be interpreted to the effect that the right of asylum implies the right to request asylum from the United States authorities in the Panama Canal Zone, or that there is recognition of the right of the United States to grant asylum or political refuge in that part of the territory of the Republic of Panama that constitutes the Canal Zone.

In WITNESS WHEREOF, the undersigned plenipotentiaries, having presented their full powers, which have been found to be in due and proper form, sign this convention on behalf of their respective governments, at the city of Washington this second day of February of the year one thousand nine hundred seventy-one.

Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance*

SIGNATORY COUNTRIES	DEPOSIT OF RATIFICATION			
Chile				1/
Colombia				
Costa Rica	16	October	1973	
Dominican Republic	25	May	1976	
Ecuador				2/
El Salvador	1	May	1980	
Guatemala	19	February	1980	3/
Honduras				
Jamaica				
Mexico	17	March	1975	
Nicaragua	8	March	1973	
Panama				4/
Peru				5/
Trinidad and Tobago				
United States	20	October	1976	
Uruguay	17	March	1978	
Venezuela	7	November	1973	

1/ Signed September 19, 1984 at the OAS General Secretariat with reservation

2/ Signed May 17, 1984

3/ Signed ad referendum June 29, 1978 at the OAS General Secretariat

4/ With Declaration made at the time of signature

5/ Signed November 8, 1984 at the OAS General Secretariat.

Signature Subject to ratification

*Source: Inter-American Treaties and Conventions, Treaty Series No. 9, General Secretariat, OAS, Washington, D.C. Entry into Force: For each State on the date of deposit of its instrument of ratification, in accordance with Article 12 of the Convention

L. Inter-American Convention on Extradition, 1981 (Not in Force)

Reaffirming their goal of strengthening international cooperation in legal and criminal law matters, which was the inspiration for the agreements reached in Lima on March 27, 1879, in Montevideo on January 23, 1889, in Mexico City on January 28, 1902, in Washington on February 7, 1923, in Havana on February 20, 1928, in Montevideo on December 26, 1933, in Guatemala City on April 12, 1934, and in Montevideo on March 19, 1940;

Taking into consideration resolutions CVII of the Tenth Inter-American Conference (Caracas, 1954), VII of the Third Meeting of the Inter-American Council of Jurists (Mexico, 1956), IV of the Fourth Meeting of that Council (Santiago, Chile, 1959), and AG/RES.91 (II-0/72), 183 (V-0/75) and 310 (VII-0/77) of the General Assembly of the Organization of American States, as well as the draft Conventions proposed by the Inter-American Juridical Committee in 1954, 1957, 1973, and 1977;

Believing that the close ties and the cooperation that exist in the Americas call for the extension of extradition to ensure that crime does not go unpunished, and to simplify procedures and promote mutual assistance in the field of criminal law on a wider scale than provided for by the treaties in force, with due respect to the human rights embodied in the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights; and

Conscious that the fight against crime at the international level will enhance the fundamental value of justice in criminal law matters,

The Member States of the Organization of American States

ADOPT THE FOLLOWING INTER-AMERICAN CONVENTION
ON EXTRADITION

Article 1

Obligation to Extradite

The States Parties bind themselves, in accordance with the provisions of this Convention, to surrender to other States Parties that request their extradition persons who are judicially required for prosecution, are being tried, have been convicted or have been sentenced to a penalty involving deprivation of liberty.

Article 2

Jurisdiction

1. For extradition to be granted, the offense that gave rise to the request for extradition must have been committed in the territory of the requesting State.

2. When the offense for which extradition is requested has been committed outside the territory of the requesting State, extradition shall be granted provided the requesting State has jurisdiction to try the offense that gave rise to the request for extradition and to pronounce judgment thereon.

3. The requested State may deny extradition when it is competent, according to its own legislation, to prosecute the person whose extradition is sought for the offense on which the request is based. If it denies extradition for this reason, the requested State shall submit the case to its competent authorities and inform the requesting State of the result.

Article 3

Extraditable Offenses

1. For extradition to be granted, the offense for which the person is sought shall be punishable at the time of its commission, by reason of the acts that constitute it, disregarding extenuating circumstances and the denomination of the offense, by a penalty of not less than two years of deprivation of liberty under the laws of both the requesting State and the requested State. Where the principle of retroactivity of penal law exists, it shall be applied only when it is favorable to the offender.

2. If the extradition is to be carried out between States whose laws establish minimum and maximum penalties, the offense for which extradition is requested shall be punishable, under the laws of the requesting and the requested States, by an average penalty of at least two years of deprivation of liberty. Average penalty is understood to be one-half of the sum of the minimum and maximum terms of each penalty of deprivation of liberty.

3. Where the extradition of an offender is requested for the execution of a sentence involving deprivation of liberty, the duration of the sentence still to be served must be at least six months.

4. In determining whether extradition should be granted to a State having a federal form of government and separate federal and state criminal legislation, the requested State shall take into consideration only the essential elements of the offense and shall disregard elements such as interstate transportation or use of the mails or other facilities of interstate commerce, since the sole purpose of such elements is to establish the jurisdiction of the federal courts of the requesting State.

Article 4

Grounds for Denying Extradition

Extradition shall not be granted:

1. When the person sought has completed his punishment or has been granted amnesty, pardon or grace for the offense for which extradition is sought, or when he has been acquitted or the case against him for the same offense has been dismissed with prejudice.

2. When the prosecution or punishment is barred by the statute of limitations according to the laws of the requesting State or the requested State prior to the presentation of the request for extradition.

3. When the person sought has been tried or sentenced or is to be tried before an extraordinary or ad hoc tribunal of the requesting State.

4. When, as determined by the requested State, the offense for which the person is sought is a political offense, an offense related thereto, or an ordinary criminal offense prosecuted for political reasons. The requested State may decide that the fact that the victim of the punishable act in question performed political functions does not in itself justify the designation of the offense as political.

5. When, from the circumstances of the case, it can be inferred that persecution for reasons of race, religion or nationality is involved, or that the position of the person sought may be prejudiced for any of these reasons.

6. With respect to offenses that in the requested State cannot be prosecuted unless a complaint or charge has been made by a party having a legitimate interest.

Article 5

Specific Offenses

No provision of this Convention shall preclude extradition regulated by a treaty or Convention in force between the requesting State and the requested State whose purpose is to prevent or repress a specific category of offenses and which imposes on such States an obligation to either prosecute or extradite the person sought.

Article 6

Right of Asylum

No provision of this Convention may be interpreted as a limitation on the right of asylum when its exercise is appropriate.

Article 7

Nationality

1. The nationality of the person sought may not be invoked as a ground for denying extradition, except when the law of the requested State otherwise provides.

2. In the case of convicted persons, the States Parties may negotiate the mutual surrender of nationals so that they may serve their sentences in the States of which they are nationals.

Article 8

Prosecution by the Requested State

If, when extradition is applicable, a State does not deliver the person sought, the requested State shall, when its laws or other treaties so permit, be obligated to prosecute him for the offense with which he is charged, just as if it had been committed within its territory, and shall inform the requesting State of the judgment handed down.

Article 9

Penalties Excluded

The States Parties shall not grant extradition when the offense in question is punishable in the requesting State by the death penalty, by life imprisonment, or by degrading punishment, unless the requested State has previously obtained from the requesting State, through the diplomatic channel, sufficient assurances that none of the above-mentioned penalties will be imposed on the person sought or that, if such penalties are imposed, they will not be enforced.

Article 10

Transmission of Request

The request for extradition shall be made by the diplomatic agent of the requesting State, or, if none is present, by its consular officer, or, when appropriate, by the diplomatic agent of a third State to which is entrusted, with the consent of the government of the requested State, the representation and protection of the interests of the requesting State. The request may also be made directly from government to government, in accordance with such procedure as the governments concerned may agree upon.

Article 11

Supporting Documents

1. The request for extradition shall be accompanied by the documents listed below, duly certified in the manner prescribed by the laws of the requesting State:

a. A certified copy of the warrant for arrest, or other document of like nature, issued by a competent judicial authority, or the Ministerio Público as well as a certified copy of evidence that, according to the laws of the requested State, is sufficient for the arrest and commitment for trial of the person sought. This last mentioned requirement shall not apply if the laws of the requesting State and of the requested State do not so provide. If the person has been tried and convicted of the offense by the courts of the requesting State, a certified verbatim copy of the final judgment shall suffice.

b. The text of the legal provisions that define and penalize the alleged crime, as well as those of the statute of limitations governing prosecution and punishment.

2. The request for extradition shall also be accompanied by the translation into the language of the requested State, if appropriate, of the documents enumerated in the previous paragraph, as well as by any personal data that will permit identification of the person sought, indication of his nationality, and, whenever possible, his location within the territory of the requested State, photographs, fingerprints, or any other satisfactory means of identification.

Article 12

Supplementary Information and Legal Assistance

1. The requested State, when it considers that the documents presented are insufficient, in accordance with the provisions of Article 11 of this Convention, shall so inform the requesting State as soon as possible. The requesting State shall correct any omissions or defects observed within a period of thirty days in the event the person sought is already detained or subject to precautionary measures. If, because of special circumstances, the requesting State is unable to correct the omissions or defects within that term, it may ask the requested State to extend the term by thirty days.

2. The requested State shall provide, at no cost to the requesting State, legal assistance to protect the interests of the requesting State before the competent authorities of the requested State.

Article 13

Rule of Speciality

1. A person extradited under this Convention shall not be detained, tried or punished in the territory of the requesting State for an offense, committed prior to the date of the request for extradition, other than that for which extradition has been granted unless:

a. That person leaves the territory of the requesting State after extradition and voluntarily returns to it; or

b. That person does not leave the territory of the requesting State within thirty days after being free to do so; or

c. The competent authority of the requested State consents to that person's detention, trial or punishment for another offense. In such case, the requested State may require the requesting State to submit the documents mentioned in Article 11 of this Convention.

2. When extradition has been granted, the requesting State shall inform the requested State of the final resolution of the case against the person extradited.

Article 14

Provisional Detention and Precautionary Measures

1. In urgent cases, a State Party may request by the means of communication provided for in Article 10 of this Convention, or any other such means, the detention of the person who is judicially required for prosecution, is being tried, has been convicted, or has been sentenced to a penalty involving deprivation of liberty, and may also request the seizure of the objects related to the offense. The request for provisional detention shall contain a statement of intention to present the formal request for the extradition of the person sought, a statement of the existence of a warrant of arrest or of a judgment of conviction against that person issued by a judicial authority, and a description of the offense. The request for provisional detention shall be the sole responsibility of the requesting State.

2. The requested State shall order provisional detention and, when appropriate, the seizure of objects and shall immediately inform the requesting State of the date on which provisional detention commenced.

3. If the request for extradition, accompanied by the documents referred to in Article 11 of this Convention, is not presented within sixty days of the date on which the provisional detention referred to in paragraph 1 of this article commenced, the person sought shall be set free.

4. After the period of time referred to in the preceding paragraph has expired, the detention of the person sought may not be again requested except upon presentation of the documents required under Article 11 of this Convention.

Article 15

Requests by more than One State

When the extradition is requested by more than one State for the same offense, the requested State shall give preference to the request of the State in which the offense was committed. If the requests are for different offenses, preference shall be given to the State seeking the individual for the offense punishable by the most severe penalty, in accordance with the laws of the requested State. If the requests involve different offenses that the requested State considers to be of equal gravity, preference shall be determined by the order in which the requests are received.

Article 16

Legal Rights and Assistance

1. The person sought shall enjoy in the requested State all the legal rights and guarantees granted by the laws of that State.

2. The person sought shall be assisted by legal counsel, and if the official language of the country is other than his own, he shall also be assisted by an interpreter.

Article 17

Communication of the Extradition Decision

The requested State shall promptly inform the requesting State of its decision on the request for extradition and the reasons for its approval or denial.

Article 18

Non bis in idem

Once the request for extradition of a person has been denied, a request may not be made again for the same offense.

Article 19

Surrender of the Person Sought and Delivery of Property

1. The surrender of the person sought to the agents of the requesting State shall be carried out at a place determined by the requested State. This place shall, if possible, be an airport from which direct international flights depart for the requesting State.

2. If the request for provisional detention or for extradition is accompanied by a request for the seizure of documents, money or other objects that result from the alleged offense or may serve as evidence, such objects shall be collected and deposited under inventory by the requested State for subsequent delivery to the requesting State when the extradition is granted and even though the extradition is impeded by *force majeure*, unless the law of the requested State forbids such delivery. In any event, the rights of third parties shall not be affected.

Article 20

Deferral of Surrender

1. When the person sought is being tried or is serving a sentence in the requested State for an offense other than that for which the extradition is requested, his surrender may be deferred until he is entitled to be set free by virtue of acquittal, completed service or commutation of sentence, dismissal, pardon, amnesty or grace. No civil suit that the person sought may have pending against him in the requested State may prevent or defer his surrender.

2. When the surrender of the person sought would, for reasons of health, endanger his life, his surrender may be deferred until it would no longer pose such a danger.

Article 21

Simplified Extradition

The requested State may grant extradition without a formal extradition proceeding if:

a. Its laws do not expressly prohibit it;

b. The person sought irrevocably consents in writing to the extradition after being advised by a judge or other competent authority of his right to a formal extradition proceeding and the protection afforded by such a proceeding.

Article 22

Period for Taking Custody of the Person Sought

If the extradition has been granted, the requesting State shall take custody of the person sought within a period of thirty days from the date on which he was placed at its disposal. If it does not take custody within that period, the person sought shall be set free and may not be subjected to a new extradition procedure for the same offense or offenses. This period, however, may be extended for thirty days if the requesting State is unable, owing to circumstances beyond its control, to take custody of the person sought and escort him out of the territory of the requested State.

Article 23

Custody

The agents of the requesting State who are in the territory of another State Party to take custody of a person whose extradition has been granted shall be authorized to have custody of him and escort him to the territory of the requesting State, provided, however, that such agents shall be subject to the jurisdiction of the State in which they are.

Article 24

Transit

1. If prior notification has been given from government to government through diplomatic or consular channels, the States Parties shall permit and cooperate in the transit through their territories of a person whose extradition has been granted under the custody of agents of the requesting State and/or the requested State, as the case may be, upon presentation of a copy of the order granting the extradition.

2. Such prior notification shall not be necessary when air transport is used and no landing is scheduled in the territory of the State Party that will be flown over.

Article 25

Expenses

Expenses incurred in the detention, custody, maintenance, and transportation of both the person extradited and of the objects referred to in Article 19 of this Convention shall be borne by the requested State up to the moment of surrender and delivery, and thereafter such expenses shall be borne by the requesting State.

Article 26

Waiver of Legalization

When the documents provided for in this Convention are communicated through the diplomatic or consular channel, or direct from government to government, their legalization shall not be required.

Article 27

Signature

This Convention shall be open for signature by the member states of the Organization of American States.

Article 28

Ratification

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article 29

Accession

1. This Convention shall be open to accession by any American State.

2. This Convention shall be open to accession by States having the status of permanent observer to the Organization of American States, following approval of the pertinent request by the General Assembly of the Organization.

Article 30

Reservations

Each State may, at the time of signature, approval, ratification, or accession, make reservations to this Convention, provided that each reservation concerns one or more specific provisions and is not incompatible with the object and purpose of the Convention.

Article 31

Entry into Force

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification.

2. For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 32

Special Cases of Territorial Application

1. If a State Party has two or more territorial units in which different systems of law apply in relation to the matters dealt with in this Convention, it shall, at the time of signature, ratification, or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them.

2. Such declaration may be modified by subsequent declarations, which shall expressly indicate the territorial unit or units to which this Convention applies. Such subsequent declarations shall be transmitted to the General Secretariat of the Organization of American States, and shall become effective thirty days after the date of their receipt.

Article 33

Relations with other Conventions on Extradition

1. This Convention shall apply to the States Parties that ratify it or accede to it and shall not supersede multilateral or bilateral treaties that are in force or were concluded earlier unless the States Parties concerned otherwise expressly declare or agree, respectively.

2. The States Parties may decide to maintain in force as supplementary instruments treaties entered into earlier.

Article 34

Duration and Denunciation

This Convention shall remain in force indefinitely, but any of the States Parties may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After one year from the date of deposit of the instrument of denunciation, the Convention shall no longer be in effect for the denouncing State, but shall remain in effect for the other States Parties.

Article 35

Deposit, Registration, Publication and Notification

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall send an authenticated copy of its text to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of its Charter. The General Secretariat of the Organization of American States shall notify the member states of that Organization and the states that have acceded to the Convention of the signatures; deposits of instruments of ratification, accession, or denunciation; and reservations, if any. It shall also transmit to them the declarations referred to in Article 32 of this Convention.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, being duly authorized thereto by their respective governments, have signed this Convention.

DONE AT CARACAS, Republic of Venezuela, on this twenty-fifth day of February, one thousand nine hundred and eighty-one.

DECLARATION MADE AT THE TIME OF SIGNING THE CONVENTION

Guatemala:

As there is no homogeneous system for defining offenses in Comparative law nor in our legislation, and as an essentially subjective and integral procedure for classifying them has been adopted in this Convention, our Delegation has signed it with the understanding that the interpretation of articles 7 and 8 when applicable will be subject to the provisions of article 61 of our Constitution, particularly in that "no Guatemalan shall be handed over to a foreign government for trial or punishment except for crimes covered by international treaties in force in Guatemala".

RESERVATIONS MADE AT THE TIME OF SIGNING THE CONVENTION

Haiti:

Under reservations.

Inter-American Convention on Extradition*

SIGNATORY COUNTRIES	Deposit of Ratification
Bolivia	1/
Chile	
Costa Rica	
Dominican Republic	
Ecuador	
El Salvador	
Guatemala	2/
Haiti	3/
Nicaragua	
Panama	
Uruguay	
Venezuela	4 October 1982

All states listed herein signed the convention on February 25, 1981, with exception of those indicated in the notes.

1/ Signed August 2, 1983 at the OAS General Secretariat

2/ Declaration made at the time of signature

3/ Reservations made at the time of signature

This convention shall remain open for signature and subject to ratification by the Member States of the OAS. It is open to accession by any American state. It is also open to accession by the Permanent Observers to the OAS, following approval of the pertinent request by the General Assembly of the Organization.

*Source: Inter-American Treaties and Convention, Treaty Series No. 9, General Secretariat, OAS, Washington, D.C. Entry into Force: For each state ratifying or acceding to the Convention after the deposit of the second instrument of ratification, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

M. Inter-American Convention To Prevent and Punish Torture, 1985

(In Force but Not for United States)

The American States signatory to the present Convention,

Aware of the provision of the American Convention on Human Rights that no one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment;

Reaffirming that all acts of torture or any other cruel, inhuman, or degrading treatment or punishment constitute an offense against human dignity and a denial of the principles set forth in the Charter of the Organization of American States and in the Charter of the United Nations and are violations of the fundamental human rights and freedoms proclaimed in the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights;

Noting that, in order for the pertinent rules contained in the aforementioned global and regional instruments to take effect, it is necessary to draft an Inter-American Convention that prevents and punishes torture;

Reaffirming their purpose of consolidating in this hemisphere the conditions that make for recognition of and respect for the inherent dignity of man, and ensure the full exercise of his fundamental rights and freedoms,

Have agreed upon the following:

Article 1

The States Parties undertake to prevent and punish torture in accordance with the terms of this Convention.

Article 2

For the purposes of this Convention, torture shall be understood to be any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose. Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish.

The concept of torture shall not include physical or mental pain or suffering that is inherent in or solely the consequence of lawful measures, provided that they do not include the performance of the acts or use of the methods referred to in this article.

Article 3

The following shall be held guilty of the crime of torture:

a. A public servant or employee who acting in that capacity orders, instigates or induces the use of torture, or who directly commits it or who, being able to prevent it, fails to do so.

b. A person who at the instigation of a public servant or employee mentioned in subparagraph (a) orders, instigates or induces the use of torture, directly commits it or is an accomplice thereto.

Article 4

The fact of having acted under orders of a superior shall not provide exemption from the corresponding criminal liability.

Article 5

The existence of circumstances such as a state of war, threat of war, state of siege or of emergency, domestic disturbance or strife, suspension of constitutional guarantees, domestic political instability, or other public emergencies or disasters shall not be invoked or admitted as justification for the crime of torture.

Neither the dangerous character of the detainee or prisoner, nor the lack of security of the prison establishment or penitentiary shall justify torture.

Article 6

In accordance with the terms of Article 1, the States Parties shall take effective measures to prevent and punish torture within their jurisdiction.

The States Parties shall ensure that all acts of torture and attempts to commit torture are offenses under their criminal law and shall make such acts punishable by severe penalties that take into account their serious nature.

The States Parties likewise shall take effective measures to prevent and punish other cruel, inhuman, or degrading treatment or punishment within their jurisdiction.

Article 7

The States Parties shall take measures so that, in the training of police officers and other public officials responsible for the custody of persons temporarily or definitively deprived of their freedom, special emphasis shall be put on the prohibition of the use of torture in interrogation, detention, or arrest.

The States Parties likewise shall take similar measures to prevent other cruel, inhuman, or degrading treatment or punishment.

Article 8

The States Parties shall guarantee that any person making an accusation of having been subjected to torture within their jurisdiction shall have the right to an impartial examination of his case.

Likewise, if there is an accusation or well-grounded reason to believe that an act of torture has been committed within their jurisdiction, the States Parties shall guarantee that their respective authorities will proceed properly and immediately to conduct an investigation into the case and to initiate, whenever appropriate, the corresponding criminal process.

After all the domestic legal procedures of the respective State and the corresponding appeals have been exhausted, the case may be submitted to the international fora whose competence has been recognized by that State.

Article 9

The States Parties undertake to incorporate into their national laws regulations guaranteeing suitable compensation for victims of torture.

None of the provisions of this article shall affect the right to receive compensation that the victim or other persons may have by virtue of existing national legislation.

Article 10

No statement that is verified as having been obtained through torture shall be admissible as evidence in a legal proceeding, except in a legal action taken against a person or persons accused of having elicited it through acts of torture, and only as evidence that the accused obtained such statement by such means.

Article 11

The States Parties shall take the necessary steps to extradite anyone accused of having committed the crime of torture or sentenced for commission of that crime, in accordance with their respective national laws on extradition and their international commitments on this matter.

Article 12

Every State Party shall take the necessary measures to establish its jurisdiction over the crime described in this Convention in the following cases:

a. When torture has been committed within its jurisdiction;

b. When the alleged criminal is a national of that State; or

c. When the victim is a national of that State and it so deems appropriate.

Every State Party shall also take the necessary measures to establish its jurisdiction over the crime described in this Convention when the alleged criminal is within the area under its jurisdiction and it is not appropriate to extradite him in accordance with Article 11.

This Convention does not exclude criminal jurisdiction exercised in accordance with domestic law.

Article 13

The crime referred to in Article 2 shall be deemed to be included among the extraditable crimes in every extradition treaty entered into between States Parties. The States Parties undertake to include the crime of torture as an extraditable offence in every extradition treaty to be concluded between them.

Every State Party that makes extradition conditional on the existence of a treaty may, if it receives a request for extradition from another State Party with which it has no extradition treaty, consider this Convention as the legal basis for extradition in respect of the crime of torture. Extradition shall be subject to the other conditions that may be required by the law of the requested State.

States Parties which do not make extradition conditional on the existence of a treaty shall recognize such crimes as extraditable offences between themselves, subject to the conditions required by the law of the requested State.

Extradition shall not be granted nor shall the person sought be returned when there are grounds to believe that his life is in danger, that he will be subjected to torture or to cruel, inhuman or degrading treatment, or that he will be tried by special or ad hoc courts in the requesting State.

Article 14

When a State Party does not grant the extradition, the case shall be submitted to its competent authorities as if the crime had been committed within its jurisdiction, for the purposes of investigation, and when appropriate, for criminal action, in accordance with its national law. Any decision adopted by these authorities shall be communicated to the State that has requested the extradition.

Article 15

No provision of this Convention may be interpreted as limiting the right of asylum, when appropriate, nor as altering the obligations of the States Parties in the matter of extradition.

Article 16

This Convention shall not limit the provisions of the American Convention on Human Rights, other conventions on the subject, or the Statutes of the Inter-American Commission on Human Rights, with respect to the crime of torture.

Article 17

The States Parties undertake to inform the Inter-American Commission on Human Rights of any legislative, judicial, administrative, or other measures they adopt in application of this Convention.

In keeping with its duties and responsibilities, the Inter-American Commission on Human Rights will endeavor in its annual report to analyze the existing situation in the member states of the Organization of American States in regard to the prevention and elimination of torture.

Article 18

This Convention is open to signature by the member states of the Organization of American States.

Article 19

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article 20

This Convention is open to accession by any other American state. The instruments of accession shall be deposited with the General Secretariat of the Organization of American States.

Article 21

The States Parties may, at the time of approval, signature, ratification, or accession, make reservations to this Convention, provided that such reservations are not incompatible with the object and purpose of the Convention and concern one or more specific provisions.

Article 22

This Convention shall enter into force on the thirtieth day following the date on which the second instrument of ratification is deposited. For each State ratifying or acceding to the Convention after the second instrument of ratification has been deposited, the Convention shall enter into force on the thirtieth day following the date on which that State deposits its instrument of ratification or accession.

Article 23

This Convention shall remain in force indefinitely, but may be denounced by any State Party. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After one year from the date of deposit of the instrument of denunciation, this Convention shall cease to be in effect for the denouncing State but shall remain in force for the remaining States Parties.

Article 24

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall send a certified copy to the Secretariat of the United Nations for registration and publication, in accordance with the provisions of Article 102 of the United Nations Charter. The General Secretariat of the Organization of American States shall notify the member states of the Organization and the states that have acceded to the Convention of signatures and of deposits of instruments of ratification, accession, and denunciation, as well as reservations, if any.

INTER-AMERICAN CONVENTION TO PREVENT AND PUNISH TORTURE, 1985

SIGNATORY COUNTRIES	DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION
Argentina	
Bolivia	
Brazil	
Chile	September 30, 1988
Colombia	
Costa Rica	
Dominican Republic	January 29, 1987
Ecuador	
Guatemala	January 29, 1987[1]
Haiti	
Honduras	
Mexico	June 22, 1987
Panama	
Peru	
Suriname	November 12, 1987
Uruguay	
Venezuela	

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[1] With a reservation.

Source: Department of Legal Affairs, General Secretariat of the Organization of American States.

Entry into Force: February 28, 1987.

II. AN OVERVIEW OF THE INTER-AMERICAN SYSTEM AND THE ORGANIZATION OF AMERICAN STATES (OAS) *

A. Evolution of the Inter-American System

THE INTER-AMERICAN SYSTEM

The Honduran writer, journalist, and politician José Cecilio del Valle, born in 1821, left works that establish him as a precursor of the inter-American system. In his Americanist doctrine José Cecilio del Valle uses the expression "the American system" and describes it as an "ordered collection of principles that should mold American political conduct. . . ." The inter-American system is, in fact, based on an order of law, and on international commitments and agreements through which it has succeeded in achieving a seemingly impossible equilibrium between power and weakness. It has been built on the incredible premise that mighty nations and small ones have the same right to live together in peace, free from intervention in their domestic affairs or from external pressure.

The Charter of the Organization of American States is the basic document of the System—its most important set of institutional principles. But the System goes beyond the limits of the Charter itself because it is a juridical-political reality, alive, in constant evolution, capable of becoming at all times a source of new rights and reciprocal obligations.

Another great Americanist, whose thought and work contributed decisively to shaping his nation and founding American international law, was the Argentine Juan Bautista Alberdi, born in 1810. Alberdi's many works demonstrate the need for economic and juridical cooperation within the American nations. Among these works mention should be made of *Memoria sobre la Conveniencia y Objetos de un Congreso General Americano* (Essay on the Advisability and Purposes of a General American Congress), 1844. In this writing, published by the University of Chile in 1844, Alberdi enumerates the following steps that suggest the magnitude of his Americanist vision:

- Settlement of the territorial boundaries among the American nations
- Protection of commerce
- Founding of a hemisphere bank and public credit
- Construction of international roads
- Extradition of criminals, except persons accused of political crimes
- Arms limitations
- Establishment of a tribunal of international peace
- Determination of American international law
- Prevention and regulation of war
- Promotion of land settlement programs
- Construction of a trans-Andean railroad

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* Source: The OAS and the Evolution of the Inter-American System, Department of Public Information, General Secretariat, OAS, with lettered subheadings added by CRS. This publication explains the structure and operation of the OAS before the entry into force, on November 16, 1988, of the 1985 Protocol of Cartagena de Indias which amended the OAS Charter.

In Henry Clay the United States had a staunch defender of the rights of Latin American countries to become independent. Henry Clay was born in 1777. He was a menber of the House of Representatives, an ardent partisan in the War of 1812 against Britain, Secretary of State under John Quincy Adams, and a thrice defeated presidential candidate. Contrary to the prevailing opinion of his day Henry Clay felt it was incumbent upon the United States to reconcile its interests with those of its sister republics of the Hemisphere toward the attainment of the common goals of democracy and progress. He was able to visualize the great advantage of a Hemisphere united.

Those men of thought and men of action, such as Simón Bolívar, Venezuelan heroe and liberator of much of South America, formed the beginnings of the inter-American system.

The Congress of Panama, convoked by Simón Bolívar in 1826, although it failed to achieve its desired objective, marked the first step towards continental solidarity and the creation of the inter-American system. The Treaty of Perpetual Union, League and Confederation, signed in Panama during the Congress, was not only the forerunner of today's Organization of American States but also the League of Nations and the United Nations.

FIRST FRUITS OF UNITY

The Treaty of the Congress of Panama was ratified only by Colombia (then Gran Colombia, which included also Ecuador, Panama and Venezuela), with the result that the ideal of regional solidarity did not materialize until 1889-90, when the First International Conference of American States was held in Washington, D.C.

The Conference, presided over by the U.S. Secretary of State, James G. Blaine, transformed the sense of hemispheric unity into a reality, establishing the International Union of American Republics and its permanent secretariat, the Commercial Bureau of the American Republics.

TOWARDS CONTINENTAL SOLIDARITY

Of all of the developments that contributed to the unity of the American republics during the first 50 years of their association, the revolution in communications proved to be one of the most important. The Panama Canal, for example, facilitated direct contact between many countries that had previously remained relatively isolated from each other. The plan for an inter-American railroad system, strongly endorsed in 1890, evolved into the Pan American Highway, one of the towering achievements of inter-American cooperation. As communications shortened the vast distances between the countries, it became only a matter of hours for delegates to travel to inter-American conferences, which were held with increasing frequency. By 1910 it was clear that the young regional organization required new and larger quarters and a name that would symbolize the new ties of solidarity. In that year the Commercial Bureau became the Pan American Union and found a new home in a magnificent building in Washington, D.C., which has become known throughout the Hemisphere as the "House of the Americas." Here due tribute should be paid to Andrew Carnegie, the U.S. philantropist who, together with the member countries, made substantial financial contributions towards the construction of the building.

As the conferences grew in number, the base of the regional system was broadened beyond purely commercial and juridical matters, and new specialized agencies were created to handle regional cooperation in fields far broader than the traditional ones.

TWO WORLD WARS THREATEN AND UNIFY THE HEMISPHERE

Despite their progress towards regional solidarity, the American republics were unprepared to meet the challenges of global war and the danger of possible aggression from abroad. Whereas each nation jealously safeguarded its own sovereignty, it became clear that unilateral action could not insure the territorial integrity of the American nations in the event of foreign aggression; and it was also evident that conflicts among them enhanced their vulnerability to such attacks.

This situation led to the adoption of a system of collective security, culminating in the Inter-American Treaty of Reciprocal Assistance (also known as the "Rio Treaty,") that was signed in 1947 in Rio de Janeiro.

A CHARTER FOR THE INTER-AMERICAN SYSTEM

Having formed their security system, the American governments then drafted an "Organic Pact" designed to give their regional organization a legal structure. This document, which was submitted to the Ninth International Conference of American States in Bogotá, Colombia (1948), was carefully studied and then adopted as the Charter of the Organization of American States, the new name for the regional association.

In addition to consolidating all of the principles of inter-American law previously sanctioned by the organization, the Charter reaffirmed the fundamental rights and duties of states, and set up the organs and agencies needed for the functioning of the OAS. The Inter-American Conference, for example, was designated the supreme body for formulating policies and determining the role of OAS entities; the Meeting of Consultation of Ministers of Foreign Affairs was to decide upon urgent matters of common concern to the American States; the Council was to carry out the policies and supervise the activities of the OAS through three technical organs: the Inter-American Economic and Social Council, the Inter-American Cultural Council, and the Inter-American Council of Jurists. The Pan American Union became the permanent general secretariat, and the specialized conferences and organizations were authorized to deal with specific matters within their fields.

The Ninth Conference also approved two instruments of special importance for the future of the OAS: the American Treaty on Pacific Settlement (Pact of Bogotá), which codified the numerous methods and procedures of pacific settlement and replaced all previous treaties and conventions on this subject, and the American Declaration of the Rights and Duties of Man, the first international document of its kind.

NEW HORIZONS

United in principle and purpose as never before, the OAS moved forward in the 1950s towards new horizons of direct importance to the peoples of America.

July 1956 marked an event unprecedented in the history of inter-American relations: the meeting of the presidents of the American republics in Panama City to commemorate the 130th anniversary of Simón Bolívar's Congress of Panama. In their tribute to the Venezuelan hero, the chiefs of state met in the ancient convent of San Francisco, whose century-old walls were witness to the first birth pangs of the inter-American movement. The presence in Panama City of 19 of the 21 chiefs of state was a living testimony of the Hemisphere's unity.

But the American presidents had also gathered in Panama to focus on the future of America. The gist of their speeches, summed up in the Declaration of Panama, was that the family of nations that they represented should march forward together towards new goals. Specifically, they called for an improvement of social and economic conditions so that "dignity and freedom for all peoples of the Hemisphere" would be guaranteed.

The conscience of America was dramatically awakened to the imperative need for action by the then-President of Brazil Juscelino Kubitschek in his plan "Operation Pan America." This blueprint for concrete measures to combat serious problems of underdevelopment was a timely response to urgent needs of the moment that could no longer be postponed.

Kubitschek's proposal was received with enthusiasm and pledges of support by the member countries. A six-point aide memoire on Operation Pan America, issued by the Brazilian Government in August 1958, set forth in concrete terms the main steps required to mobilize the resources of the Americas. The Council of the OAS immediately created a special group representing 21 member states, known as the "Committee of 21." Two years of intense work by this group produced the *Act of Bogotá—Measures for Social Improvement and Economic Development Within the Framework of Operation Pan America*. In less than one year the Act of Bogotá became the base for launching the Alliance for Progress.

CRUCIAL MEASURES FOR ECONOMIC AND SOCIAL INTEGRATION

The Act of Bogotá, which President Kennedy called "our charter of economic and social advance," was, nevertheless, an inadequate document for the sweeping reforms envisaged. Recognizing that the need was imperative, Kennedy called for an "alliance for progress" and requested a special meeting of the Inter-American Economic and Social Council.

Representatives of the OAS member states met in Punta del Este, Uruguay, in August 1961, keenly aware that the need for eradicating economic underdevelopment implied a joint responsibility. They signed a historic document, the Charter of Punta del Este, which launched the Alliance for Progress within the framework of Operation Pan America. The Charter stipulates as one of its basic points that the enormous task of regional development can be accomplished only through democratic institutions and with complete respect for the dignity of human life.

The signers of the Charter revealed their understanding of the word "progress" when they emphasized in its preamble that no system can guarantee real progress unless it provides the opportunities for a better life for its people. The inclusion of a ten-year education program in the Charter of Punta del Este underscores the importance attached to this aspect of social justice by the Latin American countries.

Mention should be made of another important meeting dealing with the area's socio-economic development: the conference held by the Special Committee for Latin American Coordination (CECLA) in Alta Gracia, Argentina, in February 1964. CECLA had been created a few months earlier by the Inter-American Economic and Social Council as a coordinating body on trade policies for the Latin American countries. The signing of the Charter of Alta Gracia marked the first joint Latin American effort to prevent a widening of the economic gap between the industrialized and developing nations.

In order to give the Alliance for Progress a fresh stimulus of a political nature and determine the most efficient way of increasing and improving its activities, a Meeting of the American Chiefs of State was held in Punta del Este in April 1967. The Declaration of the Presidents of America reaffirmed the solidarity of the Hemisphere and called for the "realization of the free, just and democratic social order demanded by the peoples of America." Among the resolutions, statements, and proposals made by the chiefs of state was a decision for the gradual creation of a Latin American common market.

EDUCATION, SCIENCE AND CULTURE VIS-A-VIS ECONOMIC AND SOCIAL DEVELOPMENT

Following the Meeting of Chiefs of State, the Inter-American Economic and Social Council approved the Action Plan of Viña del Mar in June 1967, opening up new perspectives on economic matters. This plan gives added weight to education, science and technology, as inseparable parts of economic growth and emphasizes the need for the Organization of American States to coordinate and integrate its efforts in these areas.

Subsequently, the Fifth Meeting of the Inter-American Cultural Council held in Maracay, Venezuela, in February 1968, adopted the Resolution of Maracay, which calls for education, science, and culture to be carried out within the objectives of economic integration.

THE EVOLUTION OF THE SYSTEM DEMANDS REFORMS OF THE OAS CHARTER

The Bogotá Charter of 1948 could not possibly anticipate the new conditions and needs of the rapidly changing inter-American system, especially the impact of the Alliance for Progress on social and economic development. By the mid-1960s it became apparent that the OAS required a structural reorganization.

For example, there was general agreement that the Inter-American Conference—scheduled to be held every five years—should be replaced by an annual meeting of ministers of foreign affairs. It was felt that an annual meeting could survey the overall situation of the region more often and pinpoint the challenges confronting the OAS and the member states.

The efforts to bring the OAS Charter up to date led to the convocation of a special conference in Rio de Janeiro in 1965. While the conference retained the principles and purposes of the 1948 Charter, it recommended a number of structural reforms. These revisions, perfected in subsequent meetings in Panama and Washington in 1966, were finally approved in a special conference in Buenos Aires in 1967, where the Protocol of Buenos Aires was adopted and went into effect in February 1970. The Protocol created the annual General Assembly as the supreme organ and gave three councils—the Permanent Council, the Economic and Social Council, and the Council for Education, Science, and Culture—equal status within their spheres of competence (see Structure of the OAS, pp. 22-30).

Once again in the decade of the 80s it was found necessary to amend the Charter of the OAS in order to face the problems, the changes, and the circumstances that the region was experiencing. Hence, in the historic town of Cartagena de Indias, Colombia, where the Liberator Simón Bolívar initiated one of his most famous campaigns, the Fourteenth Special Meeting of the General Assembly was held in December 1985. The amended Charter was approved subject to ratification by the member countries. These amendments, among others, strengthen the role of the Secretary General in the political arena, since he may now bring "to the attention of the General Assembly or the Permanent Council any matter which in his opinion might threaten the peace and security of the Hemisphere or the development of the member states." On the other hand, the amendments ease the way for the peaceful settlement of disputes, assigning the Council a primary role in the process of bringing together the interested parties. Also in the political field a new clause was added which points out that "every State has the right to choose, without external interference, its political, economic, and social system...and has the duty to abstain from interfering in the affairs of another State."

Under another important amendment Guyana and Belize, previously prevented from membership because of territorial disputes, may be admitted to the OAS in the future.

The economic and social development of the countries was strengthened when measures were approved to improve conditions for trade in basic commodities, to improve international financial cooperation, to diversify exports and expand export opportunities of developing countries, as well as to develop favorable conditions for increasing the real export earnings of the member states, particularly the developing countries.

TOOLS OF PROGRESS

Rapidly expanding growth and the profound changes sweeping the Hemisphere and the whole world required new development tools for the Americas. The OAS General Secretariat has continously shown a flexibility in adapting to the new circumstances; it has responded promptly to the mandates of all the OAS organs—political, social, economic, and cultural. Thus, the machinery for inter-American cooperation is continually being revised in the light of differing demands for technical assistance. Since its creation in April 1950, the OAS Program of Technical Cooperation has developed important innovative programs that have helped the member countries with the necessary training and assistance to take on the problems of economic and social development.

The Executive Secretariat for Economic and Social Affairs and the Executive Secretariat for Education, Science and Culture were established in 1961 and 1967, respectively, as a result of the increase in activities in the economic, social, cultural, scientific, and technological areas.

More and better administrative services and program support were required to carry out all of these programs. Consequently, a Secretariat for Management, responsible for financial services, the program-budget, human and material resources, printing, and other administration functions, was created.

Legal matters occupy a prominent place among the activities of the OAS General Secretariat. In recognition of its importance the Bureau of Legal Affairs was converted into the Secretariat for Legal Affairs in 1980.

The pivotal role of the specialized organizations of the OAS in hemispheric development should be mentioned. It would have been impossible to meet many of the goals of the countries of the Hemisphere without their efficient performance. Their functions are described on pages 27-29.

Other groups enjoying a special relationship with the OAS have also made important contributions to the region's progress (see pages 29-30).

The Inter-American Development Bank deserves special comment because it is a major force in the region's socio-economic progress. Resolutions submitted to the 1956 conference in Panama called for the creation of a regional financial agency, in line with earlier recommendations made by Latin American leaders. Although the conference did not establish the bank, the idea received fresh impetus, and a year later the OAS General Secretariat prepared a document entitled *Foreign Investments: Recent Developments and Proposals on an Inter-American Financial Institution* that served as a basis for the establishment of the Inter-American Development Bank in 1959.

Mention should also be made of the cooperation between the OAS and agencies of the United Nations in programs of mutual interest: UNESCO (Education, Science and Culture), the International Labour Organization, the Food and Agriculture Organization and the World Bank just to cite a few, are some agencies that keep in touch with the regional Organization on a regular basis.

INSTRUMENTS OF PEACE, JUSTICE, AND SOLIDARITY

The procedure of consultation has proven to be one of the most effective instruments for the preservation of hemispheric peace and collective security. From the first to the twentieth meeting of consultation, the foreign ministers have convened to resolve, among other matters, tensions stemming from charges of violations of the principle of nonintervention, the alleged suppression of human rights, and the direct intervention of foreign powers in the affairs of American states.

Since it would be impossible to describe in detail all the meetings of consultation, only some of the most outstanding events are set forth here.

The principle of mutual or collective defense, agreed to in the second of the first three meetings of consultation held in Havana in 1940, meant that an attack against any American country would be regarded as an act of aggression against all of the countries. This was the position taken after the attack on Pearl Harbor, and plans were made for the defense of the Hemisphere, as nine governments immediately broke relations with the

Axis. Before the war's end, all had done so.

The Fourth Meeting of Consultation of Ministers of Foreign Affairs held in Washington, D.C. in 1951, adopted defense measures against the threat to the Hemisphere posed by the hostile activities of international Communism during the Korean war.

Santiago, Chile, was the site of the Fifth Meeting of Consultation in 1959, and the focus of attention was on the democratic process and human rights. The meeting approved the creation of the Inter-American Commission on Human Rights to carry out the provisions of the region's basic document in this area: the American Declaration of the Rights and Duties of Man, signed in 1948 at the Bogotá conference.

An attempt on the life of the President of Venezuela, as part of a plot to overthrow his administration, led to the Sixth Meeting of Consultation in San José, Costa Rica, in 1960. The meeting declared that the persons implicated in that attempt received moral support and material assistance from high officials of the Government of the Dominican Republic; that such actions constituted acts of intervention and aggression against the Republic of Venezuela, which affected the sovereignty of that state and endangered the peace of America. All member states were asked to break diplomatic relations with the Dominican Republic and restrict their trade with that country.

The assassination of Rafael Leonidas Trujillo in May 1961, which ended a long regime in the Dominican Republic, also removed the grounds for regarding the government of that country as a threat to hemispheric peace and security. In January 1962 the OAS Council voted in favor of a full resumption of relations with the Dominican Republic. Several months later the OAS helped the Dominicans to restore order and stability and prepare for free elections.

At the request of the Government of Peru, the Seventh Meeting of Consultation was held in San José, Costa Rica, in August 1960. It issued the Declaration of San José, which strongly condemmed all forms of intervention that could endanger inter-American solidarity. One year later, Peru informed the OAS Council of its continuing concern over the Cuban situation, and denounced the incorporation of this American country into the Sino-Soviet bloc and the threat of Communist subversion to the rest of the Hemisphere.

The Eighth Meeting of Consultation was convened in January 1962 in Punta del Este, Uruguay, at the request of Colombia. It was declared at the meeting that the "adherence by any member of the Organization of American States to Marxism-Leninism is incompatible with the Inter-American System . . . ." A vote was then taken to exclude the Cuban Government in power from participation in that system.

The Cuban question reached crisis proportions in October 1962, when President Kennedy revealed that the Soviet Union was building bases in Cuba capable of launching long-range nuclear missiles.

At the request of the United States, the Council of the OAS met provisionally as Organ of Consultation and called for the immediate dismantling and withdrawal from Cuban territory of all long-range missiles, together with all other offensive weapons. The Council recommended that the member states take all measures, individually and collectively, to prevent the Government of Cuba from continuing to receive weapons that constituted an active threat to the region's security. The fact that the OAS took this unanimous action in less than 24 hours demonstrated to the world the solidarity of the inter-American system and the efficacy of its collective security instruments.

The Tenth Meeting of Consultation took place in May 1965 to consider the serious situation created by the armed conflict in the Dominican Republic. Prior to the meeting the Council of the OAS called for a cease-fire and the establishment of an international neutral zone for refugees.

The Tenth Meeting authorized the OAS Secretary General to go to the Dominican Replublic to help in the solution of the conflict, and a special commission of ambassadors from five member states was also sent to that country to assist in the restoration of peace and stability. The Meeting issued an urgent appeal to the member states for the shipment of food, medicines, and medical personnel to the Dominican Republic under the OAS emergency aid program.

The Meeting also took an action that had no precedent in the regional system: the creation of an Inter-American Peace Force.

Its mission was the restoration of peace, the safeguarding of the rights of the civilian population, and the establishment of a climate of harmony and conciliation conducive to the holding of free elections.

Following long and difficult negotiations, a Provisional Government was formed on September 3, 1965. The OAS cooperated in the preparation for the election necessary to re-establish a constitutional government. In addition, a group of distinguished leaders from the Hemisphere were invited to observe the elections to see that they were free and impartial. They were held in June 1966, and the Inter-American Peace Force was withdrawn from the Dominican Republic.

Three years later the OAS was again called on to restore peace in the region. The armed conflict between Honduras and El Salvador in July 1969 was responsible for the Thirteenth Meeting of Consultation. The OAS Permanent Council had already moved quickly to try to keep the hostilities from spreading, and one of the first decisions of the Meeting of Consultation was to declare itself in session for an indefinite period in order to closely supervise strict compliance of the resolutions adopted for the re-establishment and maintenance of inter-American peace and security and to achieve the peaceful solution of the dispute between the two nations.

Eventually a cease-fire was arranged, and resolutions were adopted for the withdrawal of troops and for the naming of a special commission composed of seven ambassadors to supervise the withdrawal and safeguard the guarantees made by both governments to respect the life and property of nationals of each country living in the other.

The Meeting also called on all international organizations, agencies, and entities, especially those within the inter-American system, to cooperate with both countries for the solution of problems of development and population. An important resolution was adopted on the area's development, urging the members of the Central American Common Market to do everything possible to preserve their movement toward economic integration.

Profound changes in world politics during the 1970s led the regional Organization to explore the possibility of repealing the measures against Cuba taken under the Rio Treaty. Finally, in 1975, at the Sixteenth Meeting of Consultation, a draft resolution presented by 11 countries was approved, permitting the State Parties to the Rio Treaty to resume their relations with Cuba "at the level and in the form that each state deems advisable."

When civil strife broke up in Nicaragua in September 1978, the Seventeenth Meeting of Consultation was convoked by the Permanent Council of the Organization upon request of that country. A resolution was taken urging the governments concerned to refrain from taking any action that might aggravate the existing situation.

Also the OAS Inter-American Commission on Human Rights accepted the invitation of Nicaragua to visit that country. At that time the Government of Nicaragua had stated that it was willing to accept any conciliatory efforts offered by the member states of the OAS to establish without delay the necessary conditions for a peaceful settlement of the situation.

In November of that same year, complying with a request of Costa Rica that a meeting of consultation be held to consider alleged acts of aggression on the part of Nicaragua in Costa Rican territory, the Permanent Council called for the Eighteenth Meeting of Consultation. It requested the Government of Nicaragua to refrain from any threat against Costa Rica and established a Committee of Civilian Observers from the OAS to be stationed at the border between the two countries to report on the situation.

In 1979 the Seventeenth Meeting of Consultation, which had remained open all that time, requested the member states to take steps within their reach to facilitate a lasting and peaceful solution to the Nicaraguan problem, a solution that should be arrived at on the basis of an immediate and definite replacement of the Somoza regime and the installation of a democratic government.

In 1982 the region faced the serious situation regarding the Malvinas Islands in the South Atlantic Ocean and in April of that same year the Twentieth Meeting of Consultation adopted two resolutions of great importance, urging the Government of the United Kingdom of Great Britain and Northern Ireland immediately to cease the hostilities it was carrying on within the security region and to refrain from any act that may affect inter-American peace and security. It also urged the Government of the Republic of Argentina likewise to refrain from taking any action that could exacerbate the situation. During that meeting it was resolved to keep the Twentieth Meeting of Consultation open (at this date it remains open) so that it may take any measures to preserve inter-American solidarity and cooperation.

In subsequent assemblies the OAS keeps urging the two countries to continue negotiations and find a peaceful solution to their sovereignty problem over the Malvinas Islands.

Other successful events in the political realm of the Organization of American States include the deposit in November 1980 of a peace treaty between Honduras and El Salvador, the decision of Argentina and Chile to request the Holy See (a Permanennt Observer of the OAS) to mediate their disputes over the future of various island territories and maritime areas, and the February 1981 meeting of the Organ of Consultation that sought to use the best offices of the Organization as an element in helping to restore peaceful relations between Ecuador and Peru.

Among the immediate concerns facing the OAS is the establishment and maintenance of peace in the Central American region. The CONTADORA group integrated by Colombia, Mexico, Panama and Venezuela adopted the Act of Contadora for Peace and Cooperation in Central America, which was the result of intense meetings and negotiations. At a meeting of the General Assembly in 1984 the OAS urged the member countries of that region to intensify their consultations in order to expedite the signing of the Act. As a first step, the countries of Central America signed in 1986 the Declaration of Guatemala stating that it was their wish to obtain peace and stability through the Act of Contadora.

Perhaps the most dramatic case that demonstrates the effectiveness of the OAS in international matters was the signing of the Panama Canal Treaties in 1977, overcoming the difficult situation between the United States and Panama over the future of the Canal.

NEW ERA IN INTER-AMERICAN COOPERATION

Since the Act of Washington of 1964 approving admission of new members to the Organization, 11 countries have joined the regional institution as full-fledged members during this period of transition in the history of inter-Americanism. As a result of their entry, these countries joined the other member states in making the decisions that would reorient the future course of the inter-American system (see MEMBERS and dates, p. 34).

Throughout the years the inter-American community has been faced with new challenges that had to be met by its regional organization. In all of the meetings of the General Assembly, OAS representatives have grappled with the most diverse and crucial issues affecting the Americas, and they have adopted fresh measures and created new bodies to deal with them.

During its deliberations the Assembly has taken important initiatives such as the signing of a convention aimed at curbing terrorism and the kidnaping and ransom of persons. The expansion of trade and the avoidance of protectionist practices, particularly as a tactic of economic coercion, have been high on several agendas. A mechanism was established whereby nonmember states can participate in OAS meetings and activities (without vote) through a system of Permanent Observers (see p. 35). Stress was placed on strict observance of the principles of nonintervention and the self-determination of peoples.

When Secretary General Alejandro Orfila of Argentina submitted his resignation as of March 31, 1984, the General Assembly unanimously elected Ambassador João Clemente Baena Soares of Brazil as Secretary General of the OAS at a special meeting held that same month and year. Ambassador Valerie T. McComie of Barbados who had been elected Assistant Secretary General of the OAS in 1980 was reelected in 1984 for another 5-year term.

The financial problems of the countries were aggrevated in the decade of the 80s. In order to resolve these problems, a Special Committee on Financing and Trade was established in 1983. In this respect, mention should be made of the lifting of trade restrictions on copper imports from Chile to the United States, obtained thanks to the intervention of the OAS through its Secretary General.

Alleged violations of human rights in some of the member states and the narcotraffic problem have been a cause for increasing concern. With regard to the latter an Inter-American Specialized Conference on Traffic in Narcotic Drugs was held in April 1986, which approved a program of action to increase and strengthen the capacity of the member states to reduce the demand for drugs, prevent drug abuse, and combat unlawful production of and trafficking in drugs.

Thus, the General Assembly has contended with, and continues to address, the critical issues that confront its member states, some emanating from within the inter-American system itself, some caused by the universal pressures and maladjustments of the times.

B. Organization of American States*

Origin

The Organization of American States is the oldest international regional organization in the world. It provides a forum for political, economic, social, and cultural cooperation among the member states of the Western Hemisphere.

In 1890 eighteen independent American republics held the First International Conference of American States in Washington, D.C. On April 14 of that year an agreement was signed creating the International Union of American Republics. Since then, April 14 has been celebrated as Inter-American Day. The Union was to act through a Commercial Bureau with headquarters in Washington, D.C. and a maximum budget of $36,000. The mission of the Bureau was to collect and publicize commercial statistics useful to the member countries. In 1910 the Commercial Bureau became the Pan American Union.

The Ninth International Conference of American States, held in Bogotá, Colombia, in 1948, adopted the basic Charter, and the International Union of American Republics became the Organization of American States. The Pan American Union was designated its General Secretariat and the International Conference was renamed the Inter-American Conference.

The Charter as amended in the Third Inter-American Conference held in Buenos Aires in 1967 came into force on February 27, 1970.

Purposes

The OAS has the following essential purposes:

a) To strengthen the peace and security of the continent;

b) To prevent possible causes of difficulties and to ensure the peaceful settlement of disputes that may arise among the member states;

c) To provide for common action on the part of the member states in the event of aggression;

d) To seek the solution of political, juridical, and economic problems that may arise among them; and

e) To promote, by cooperative action, their economic, social and cultural development.

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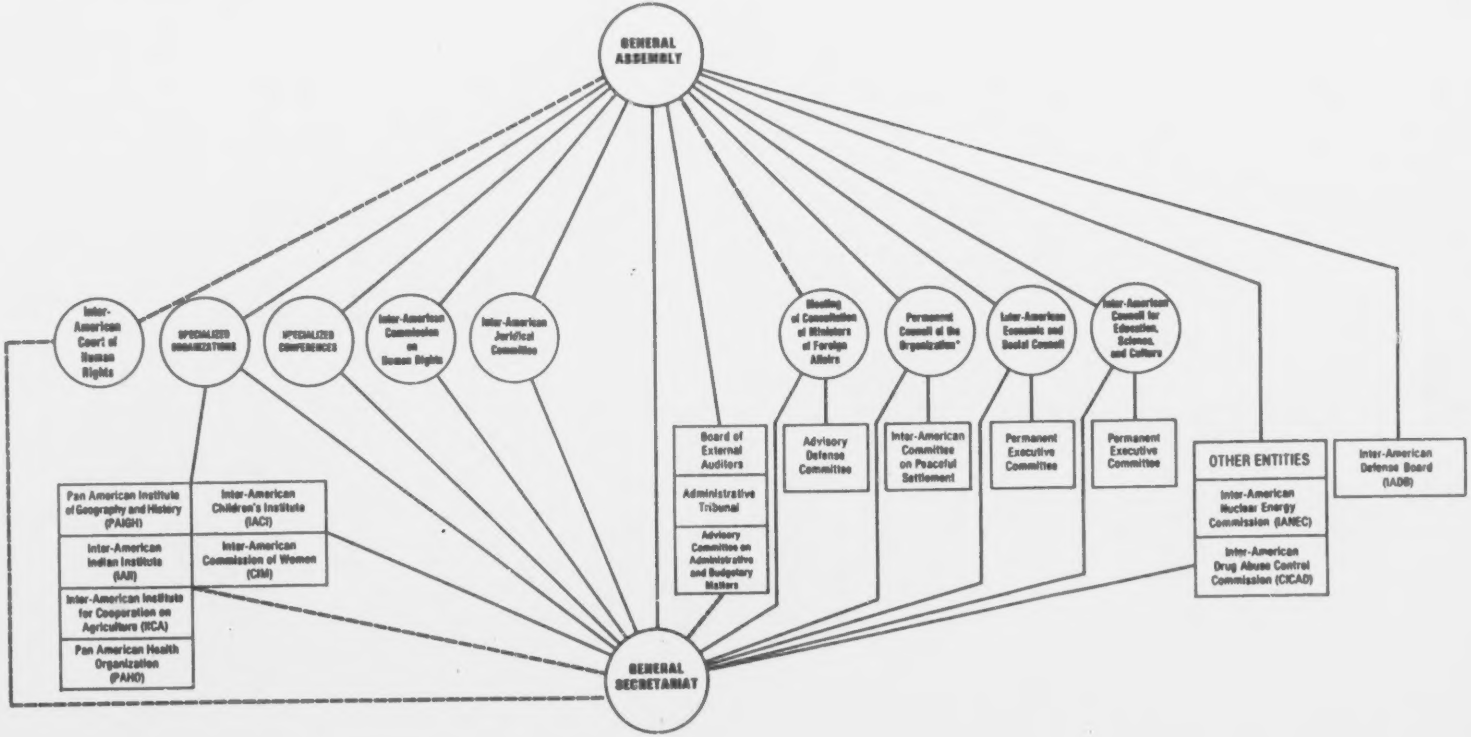
* This section describes the structure and operation of the OAS before the entry into force, on November 16, 1988, of the 1985 Protocol of Cartagena. See pp. 23-56 for the text of the OAS Charter of 1948 as amended by the 1967 Protocol. See pp. 57-68 for the 1985 Protocol of Cartagena de Indias which further amended the OAS Charter.

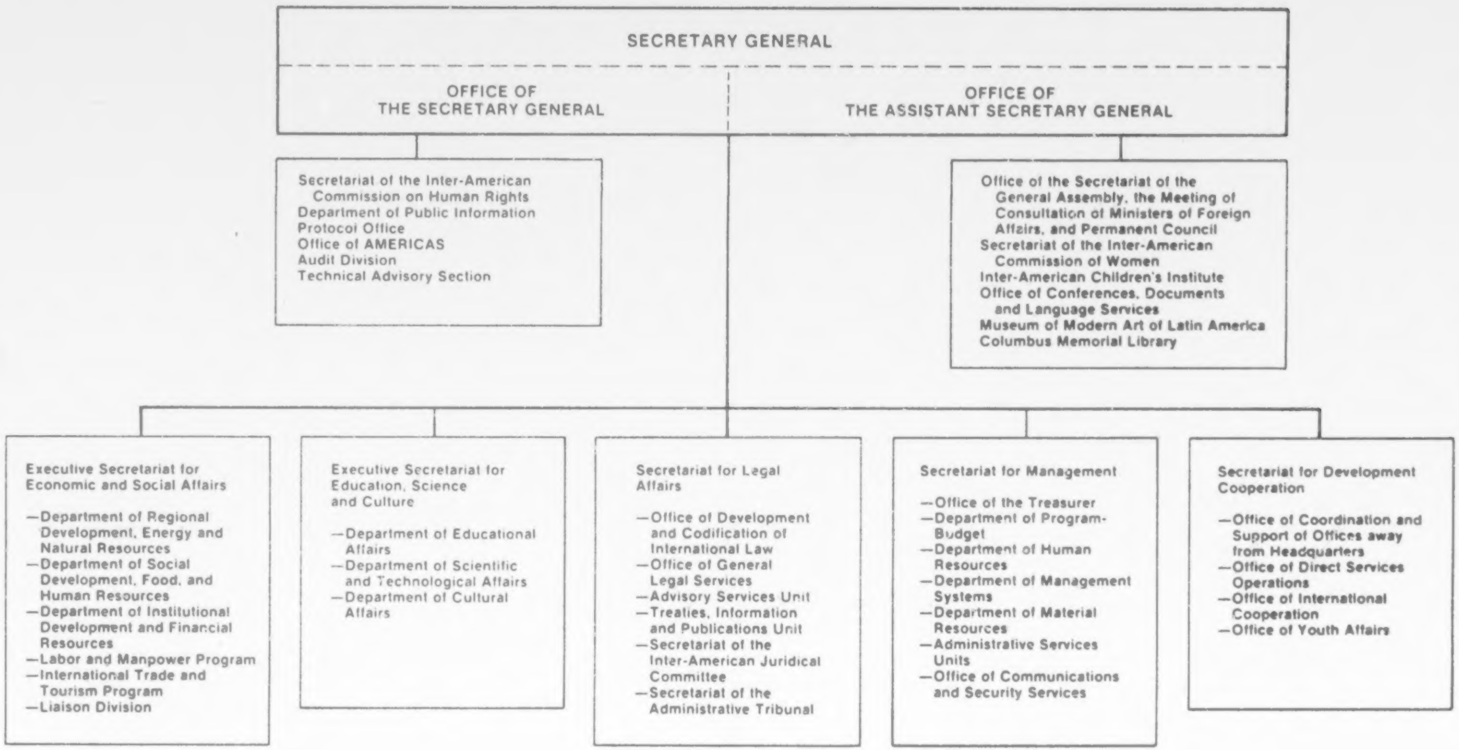
THE ORGANIZATION OF AMERICAN STATES


GENERAL ASSEMBLY
Inter-American Court of Human Rights
SPECIALIZED ORGANIZATIONS
SPECIALIZED CONFERENCES
Inter-American Commission on Human Rights
Inter-American Juridical Committee
Meeting of Consultation of Ministers of Foreign Affairs
Permanent Council of the Organization*
Inter-American Economic and Social Council
Inter-American Council for Education, Science, and Culture
Pan American Institute of Geography and History (PAIGH)
Inter-American Children's Institute (IACI)
Inter-American Indian Institute (IAII)
Inter-American Commission of Women (CIM)
Inter-American Institute for Cooperation on Agriculture (IICA)
Pan American Health Organization (PAHO)
Board of External Auditors
Administrative Tribunal
Advisory Committee on Administrative and Budgetary Matters
Advisory Defense Committee
Inter-American Committee on Peaceful Settlement
Permanent Executive Committee
Permanent Executive Committee
OTHER ENTITIES
Inter-American Nuclear Energy Commission (IANEC)
Inter-American Drug Abuse Control Commission (CICAD)
Inter-American Defense Board (IADB)
GENERAL SECRETARIAT

*Acts as Preparatory Committee of the General Assembly until the Assembly decides otherwise.

July 1987

GENERAL SECRETARIAT


SECRETARY GENERAL
OFFICE OF THE SECRETARY GENERAL
OFFICE OF THE ASSISTANT SECRETARY GENERAL
Secretariat of the Inter-American Commission on Human Rights
Department of Public Information
Protocol Office
Office of AMERICAS
Audit Division
Technical Advisory Section
Office of the Secretariat of the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, and Permanent Council
Secretariat of the Inter-American Commission of Women
Inter-American Children's Institute
Office of Conferences, Documents and Language Services
Museum of Modern Art of Latin America
Columbus Memorial Library
Executive Secretariat for Economic and Social Affairs
—Department of Regional Development, Energy and Natural Resources
—Department of Social Development, Food, and Human Resources
—Department of Institutional Development and Financial Resources
—Labor and Manpower Program
—International Trade and Tourism Program
—Liaison Division
Executive Secretariat for Education, Science and Culture
—Department of Educational Affairs
—Department of Scientific and Technological Affairs
—Department of Cultural Affairs
Secretariat for Legal Affairs
—Office of Development and Codification of International Law
—Office of General Legal Services
—Advisory Services Unit
—Treaties, Information and Publications Unit
—Secretariat of the Inter-American Juridical Committee
—Secretariat of the Administrative Tribunal
Secretariat for Management
—Office of the Treasurer
—Department of Program-Budget
—Department of Human Resources
—Department of Management Systems
—Department of Material Resources
—Administrative Services Units
—Office of Communications and Security Services
Secretariat for Development Cooperation
—Office of Coordination and Support of Offices away from Headquarters
—Office of Direct Services Operations
—Office of International Cooperation
—Office of Youth Affairs

The General Assembly

The General Assembly is the supreme organ of the OAS. It holds a regular session each year, either in one of the member states or at headquarters. In special circumstances, and with the approval of two thirds of the member states, the Permanent Council may convoke a special session of the General Assembly. Delegations from all the member states, usually headed by their foreign minister, have a right to be represented in the General Assembly and in all the councils.

Among its responsibilities the General Assembly approves the program and budget of the Organization; sets the bases for fixing the quotas of the member states; establishes measures for coordinating the activities of the organs, agencies, and entities of the OAS; and determines the general standards that govern the operation of the General Secretariat.

The Meeting of Consultation of Ministers of Foreign Affairs

There are two methods of initiating a Meeting of Consultation: under the Charter of the OAS or under the Inter-American Treaty of Reciprocal Assistance (Rio Treaty). A member state may request a Meeting of Consultation, either "to consider problems of an urgent nature and of common interest to the American States" (OAS Charter) or to serve as Organ of Consultation in cases of armed attack or other threats to international peace and security (Rio Treaty). In either case, the request must be directed to the Permanent Council of the Organization, which decides by absolute majority vote—that is, a majority of the body, whether voting or not voting—if the meeting is to be called. In the case of a situation or dispute between American states, the parties directly interested are excluded from all voting.

Should an armed attack take place within the territory of an American state or within the Western Hemisphere security zone defined in the Rio Treaty, a Meeting of Consultation is held without delay.

Until the ministers of foreign affairs can assemble, the Permanent Council is empowered to act as Provisional Organ of Consultation and to make decisions.

The Meeting of Consultation may be assisted by an Advisory Defense Committee, composed of the highest military authorities of the American states.

The Councils

The three Councils of the OAS (the Permanent Council, the Inter-American Economic and Social Council, and the Inter-American Council for Education, Science, and Culture) are directly responsible to the General Assembly. Each has the authority granted in the Charter and other inter-American instruments, as well as functions assigned by the General Assembly and the Meeting of Consultation of Ministers of Foreign Affairs.

The Permanent Council, as has been mentioned, serves provisionally as Organ of Consultation and acts as the Preparatory Committee of the General Assembly. It has a subsidiary organ, the Inter-American Committee on Peaceful Settlement. The Council is composed of a representative of each member country with the rank of ambassador.

The Inter-American Economic and Social Council

(CIES for its Spanish initials) is charged with generating among the American nations the cooperation necessary to accelerate their economic and social development. It has two committees, the Permanent Executive Committee (CEPCIES) and the Special Committee for Consultation and Negotiation (CECON). Regular annual meetings of CIES, and special meetings when necessary, are held to study and evaluate the economic and social progress of the member states. CIES is composed of a Permanent Representative for each member state.

The overall objective of the Inter-American Council for Education, Science, and Culture (CIECC for its Spanish initials) is to promote friendship and mutual understanding among the peoples of the Americas through educational, scientific, and cultural cooperation and exchange. CIECC also holds regular and special meetings and has a Permanent Executive Committee (CEPCIECC) plus special inter-American committees on education, science and technology, and culture. CIECC is composed of a Permanent Representative for each member state.

The Inter-American Juridical Committee

The Inter-American Juridical Committee acts as an advisory body to the OAS on juridical matters and is responsible for promoting the development and codification of international law.

The Committee undertakes the studies and preparatory work assigned by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils of the OAS. On its own initiative the Committee carries out other studies and preparatory work and recommends the convocation of specialized juridical conferences. The headquarters of the Committee is in Rio de Janeiro, although in special cases it may meet elsewhere. The Committee is composed of eleven jurists, nationals of member states, elected by the General Assembly from panels of candidates presented by member states.

The Inter-American Commission on Human Rights

The Inter-American Commission on Human Rights (IACHR) seeks to promote the observance and protection of human rights in the member states and serves as consultative organ of the OAS in these matters. It is composed of seven members, nationals of member states, according to the provision of the American Convention on Human Rights.

The IACHR watches over the observance and respect of human rights by investigating—sometimes on scene—complaints of individuals or institutions alleging violations of human rights in the American countries. In order to develop an awareness of human rights, the Commission prepares studies, reports, and research for distribution to official institutions, educational centers, civic associations, unions, and others. It also organizes lectures, seminars, and exchange of information to foment interest in the study of human rights at the academic and professional levels.

The permanent headquarters of the Commission is Washington, D.C., but, with the consent of the government, it may go into the territory of any OAS member state to hold meetings or carry out functions that are part of its mandate.

The Inter-American Court of Human Rights

The Court is an autonomous judicial institution whose purpose is to apply and interpret the American Convention on Human Rights (Pact of San José, November 1969). It is composed of seven jurists from OAS member countries.

The Court's headquarters is in San José, Costa Rica.

Inter-American Drug Abuse Control Commission*
Washington, D.C. (founded November 1986)

The primary goal of CICAD is to support and coordinate the efforts of member states to overcome the illicit production, use and trafficking in narcotic drugs and psychotropic substances. CICAD is guided by the principles and objectives of the Program of Action of Rio de Janeiro against the Illicit Use and Production of Narcotic Drugs and Psychotropic Substances and Traffic Therein. CICAD's initial priority activities, determined at its first regular session held April 21-25, 1987, in Washington, D.C., are to prevent the use of narcotic drugs and psychotropic substances; to help member states modernize their legislation and harmonize it with that of other member states and to increase the effectiveness of enforcement efforts through training of public officials and widespread public awareness of the drug problem; to facilitate the exchange of experiences among judicial, police and customs officials of the member states in order to help promote greater inter-country and interagency cooperation; to organize a data bank on all the aspects covered by the Program of Rio de Janeiro; to provide technical support for member states to adopt more effective controls over the legal sale of narcotic drugs and psychotropic substances, and of precursors, solvents and chemical products used in the manufacture of narcotic drugs; to develop an inter-American documentation center for the use of member states; in coordination with other international organizations, to promote and systematize studies and programs on crop eradication and substitution.

*Compiled by the Congressional Research Service from CICAD documents

The General Secretariat

The General Secretariat is the permanent and central organ of the Organization of American States with headquarters in Washington, D.C. It is the working arm that carries out the programs and policies decided upon by the General Assembly and the councils. As such, it occupies a key position within the inter-American system, serving the entire Organization and all its member governments.

The Secretary General directs the General Secretariat; he is its legal representative and is reponsible to the General Assembly for the proper fulfillment of its obligations and functions. He participates in all the principal meetings of the Organization, but has no vote. The Assistant Secretary General is Secretary of the Permanent Council. He serves as adviser to the Secretary General and acts as his delegate in matters the Secretary General entrusts to him. During the temporary absence or disability of the Secretary General, the Assistant Secretary General performs his duties.

The Secretary General and the Assistant Secretary General are elected by the General Assembly and hold office for a period of five years. These two officers may be re-elected only once and may not be succeeded by a person of the same nationality.

The staff of the General Secretariat is composed of personnel chosen mainly from the member states, with consideration given to geographic representation. However, there is no quota system. Staff is selected on the basis of competence, experience, and integrity.

Administrative Tribunal

It resolves disputes arising out of administrative decisions challenged by OAS employees who allege nonobservance of the conditions established in their respective appointments or contracts, or violation of the General Standards to Govern the Operations of the General Secretariat, and other applicable provisions, including those concerning the Retirement and Pension Plan of the General Secretariat.

The Tribunal is composed of six members of different nationalities, elected in their personal capacities by the General Assembly to serve for a term of six years. At each session, the Tribunal functions with three members.

The Specialized Conferences

The Specialized Conferences meet to deal with special technical matters or to further inter-American cooperation in given areas.

Specialized Conferences have covered a wide range of subjects: agriculture, labor, copyrights, private international law, economics, education, highways, ports and harbors, telecommunications, health and sanitation, natural resources, statistics, travel, child welfare, Indian affairs, human rights, cultural affairs, science and technology, tourism, and trade.

The Specialized Organizations

The OAS includes six Specialized Organizations, with headquarters in various cities of the Western Hemisphere:

Pan American Health Organization, Washington, D.C. (founded 1902)

PAHO has as its purpose the promotion and coordination of hemispheric efforts to combat disease, lengthen life, and promote physical and mental health. The Organization maintains close working relations with the member countries' national health services and also serves as a regional agency of the World Health Organization.

Inter-American Children's Institute, Montevideo, Uruguay (founded 1927)

The IACI strives to achieve better health and living conditions for children and the family. The Institute serves as a center of social action, carrying out programs in the fields of health, education, social legislation, social service, and statistics.

Inter-American Commission of Women, Washington, D.C. (founded 1928)

The IACW works for the extension of civil, political, economic, social, and cultural rights of women in the Americas. Since its inception women have gained full political rights in every country. The IACW encourages women of the Americas to exercise their rights, to accept their civic responsibilities, and to take a more active role in their country's development.

Pan American Institute of Geography and History, Mexico D.F., Mexico (founded 1928)

The purpose of the PAIGH is to encourage, coordinate, and publicize geographic, historical, cartographic, and geophysical studies in the Americas. Information and technicians are provided to the member countries to aid in discovering and developing their basic natural resources. Through research and publications, the Institute preserves and documents historical data pertaining to the Western Hemisphere.

Inter-American Indian Institute, Mexico, D.F., Mexico (founded 1940)

The IAII is concerned primarily with initiating, coordinating, and directing research for better understanding of Indian groups in the Hemisphere and for the solution of their health, educational, economic, and social problems. It provides technical assistance in establishing programs of Indian community development, trains personnel in the theory and practice of applied social sciences in overall community development, and provides scientific information on the present situation of Indians in the Americas and on ways to make improvements.

Inter-American Institute for Cooperation on Agriculture, San José, Costa Rica (founded 1942)

The main objective of IICA is to assist the American states in promoting rural development as a means of advancing the welfare and progress of the entire population. It also strives to help the countries strengthen national institutional systems of agricultural development so as to achieve a lasting capacity to master their own problems, now and in the future. IICA supports efforts of its member states to increase agricultural production and productivity, to increase employment opportunities in the rural sector, and to increase the participation of rural populations in development activities.

Other Entities

The following special commissions or agencies within the OAS, with headquarters in Washington, D.C., collaborate with the three councils, the General Secretariat, and other bodies of the OAS to achieve objectives of common interest:

The Inter-American Defense Board, sometimes referred to as the "Inter-American Chiefs of Staff," works in close liaison with the member governments to keep the planning of the common defense of the Western Hemisphere in a state of preparedness. It also operates the Inter-American Defense College, which offers advanced training to selected military personnel from member countries.

The Inter-American Statistical Institute seeks to stimulate improvement in both official and unofficial statistics, to offer a medium for collaboration among statisticians, to make economic and social statistics more available for comparison, and to cooperate with various organizations in advancing the science and administration of statistics. The Institute lends technical assistance in census-taking and aids in developing statistical standards and procedures.

The Inter-American Nuclear Energy Commission serves as a center of consultation for the member states and facilitates cooperation among them in matters relating to the peaceful application of nuclear energy. IANEC sponsors technical meetings, and it supports national and regional research and study groups through grants and fellowships. It encourages collaboration with hemispheric and international organizations working in the field of nuclear energy.

ACTIVITIES OF THE OAS

Within the structure that has been described, the Organization of American States is well equipped to aid the member countries. It carries out this mission on two levels, the policy level and the operational level.

On policy it serves as a forum for consultation and negotiation of inter-American agreements on collective and national efforts toward peacekeeping, the defense of human rights, and economic, social and cultural development.

At the operational level the emphasis of technical assistance is more and more on national planning, reinforced by regional and inter-American and other multilateral cooperation.

Although the OAS is, perhaps, best known for its successes in Western Hemisphere peacekeeping and its activities in the field of human rights, the member countries place an increasing importance in cooperation for development.

Over the past two decades—owing in many respects to the groundwork laid by earlier OAS programs of technical cooperation—the countries have become more adept at identifying their own needs and priorities. Each government determines its own requirements and presents a National Technical Cooperation Program corresponding to its country's development needs. The decision as to what those requirements may be is the government's, not that of the OAS. The National Technical Cooperation Programs list specific projects, adapting them as much as possible to the service programs the General Secretariat is prepared to provide. The projects are ranked in order of priority, along with a projection of needs for the following year. The General Secretariat then studies the national programs from the viewpoint of funding, of the structure of the services, of the resources it has available, and of general feasibility. Any necessary adjustments are worked out between the member state and the General Secretariat.

An important task of the General Secretariat is to work for an increase in the resources and services available through intensified cooperation with nonmember countries, through increased flows of cooperation among the member states themselves, and through every other possible source.

Among the most crucial needs of Latin America and the Caribbean is the development and protection of its human and natural resources and the acquisition of the technologies to do so. A tool that has proved most useful in addressing the needs is the creation and strengthening of national and regional research institutes and educational centers. Within the bounds of funds and personnel available, the OAS may provide the seed money for such centers and for fellowships for graduate students and professors. The OAS also often provides modern equipment and facilities and searches out teachers and experts from within and outside the Hemisphere to train the countries' own talent, thereby encouraging regional and even international interchange of ideas and technologies. In some instances OAS experts also personally lead courses, workshops, and seminars for limited periods.

Wherever possible the OAS uses established centers of excellence—the countries' top-ranking institutes, centers, and universities—in training specialists. Institutional facilities and administrative back-up are provided by the host nation's finest institutions. Their personnel also give the graduates follow-up assistance in using the newly-learned methods and techniques after they return to their own ministries, schools, or local centers. The OAS also acts as a catalyst in stimulating the interest of private, governmental, international organizations, and financial institutions in selected short-, medium-, and long-term projects. These outside sources bring their expertise, and sometimes funding, to projects they consider worthwhile, not only for what they can contribute, but for the experience they can gain of use to their own missions and countries.

COUNTRIES AT FIRST INTERNATIONAL CONFERENCE OF AMERICAN STATES, 1889-1890

ARGENTINA
BOLIVIA
BRAZIL
CHILE
COLOMBIA
COSTA RICA
ECUADOR
EL SALVADOR
GUATEMALA
HAITI
HONDURAS
MEXICO
NICARAGUA
PARAGUAY
PERU
UNITED STATES OF AMERICA
URUGUAY
VENEZUELA

OAS SECRETARIES GENERAL

Alberto Lleras Camargo	Colombia	1948-1954
Carlos Dávila	Chile	1954-1955
José A. Mora	Uruguay	1956-1968
Galo Plaza	Ecuador	1968-1975
Alejandro Orfila	Argentina	1975-1984
João Clemente Baena Soares	Brazil	1984-

OAS MEMBER COUNTRIES

CHARTER OF THE ORGANIZATION OF AMERICAN STATES

Signed at Bogotá, April 30, 1948, at the
Ninth International Conference of American States

SIGNATORY COUNTRIES	DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION
Antigua and Barbuda	December 3, 1981
Argentina	April 10, 1956
Bahamas (Commonwealth of)	March 3, 1982
Barbados	November 15, 1967
Bolivia	October 18, 1950
Brazil	March 13, 1950
Chile	June 5, 1953
Colombia	December 13, 1951
Costa Rica	November 16, 1948
Cuba	July 16, 1952
Dominica (Commonwealth of)	May 22, 1979
Dominican Republic	April 22, 1949
Ecuador	December 28, 1950
El Salvador	September 11, 1950
Grenada	May 13, 1975
Guatemala	April 6, 1955
Haiti	March 28, 1951
Honduras	February 7, 1950
Jamaica	August 20, 1969
Mexico	Noviembre 23, 1948
Nicaragua	July 26, 1950
Panama	March 22, 1951
Paraguay	May 3, 1950
Peru	February 12, 1954
Saint Christopher and Nevis	March 12, 1984
Saint Lucia	May 22, 1979
Saint Vincent and the Grenadines	December 3, 1981
Suriname	June 8, 1977
Trinidad and Tobago	March 17, 1967
United States	June 19, 1951
Uruguay	September 1, 1955
Venezuela	December 29, 1951

PERMANENT OBSERVER COUNTRIES TO THE OAS

COUNTRY	ENTRY DATE
ALGERIA	June 10, 1987
AUSTRIA	April 5, 1978
BELGIUM	December 20, 1972
CANADA	February 2, 1972
CYPRUS	April 17, 1985
EGYPT, Arab Republic of	March 16, 1977
EQUATORIAL GUINEA	March 4, 1977
FINLAND	January 6, 1988
FRANCE	September 20, 1972
GERMANY, Federal Republic of	December 6, 1972
GREECE	September 27, 1979
GUYANA	February 2, 1972
HOLY SEE (Vatican)	July 1, 1978
ISRAEL	February 2, 1972
ITALY	May 17, 1972
JAPAN	December 12, 1973
KOREA, Republic of	June 3, 1981
MOROCCO	November 18, 1981
NETHERLANDS, Kingdom of the	March 15, 1972
PAKISTAN	January 6, 1988
PORTUGAL	March 26, 1975
SAUDI ARABIA, Kingdom of	October 22, 1980
SPAIN	February 2, 1972
SWITZERLAND	September 13, 1978

III. SUMMARY OF MAJOR INTER-AMERICAN CONFERENCES, MEETINGS, OR EVENTS, 1826-1988*

A. Early Inter-American Conferences, 1826-1933

1826

Signing of the Treaty of Union, League, and Perpetual Confederation at the historic Congress of Panama, convoked by Simón Bolívar.

1889-1890

First International Conference of American States, Washington, D.C., founded the International Union of American Republics with its central office, the Commercial Bureau, in Washington, D.C.

1901

Second International Conference of American States, Mexico City. Adopted the Protocol of Adherence of the American Republics to the conventions framed by the First Hague Peace Conference in 1899. The name of the Commercial Bureau was changed to International Commercial Bureau.

1906

Third International Conference of American States, Rio de Janeiro, Brazil, expanded the duties of the International Commercial Bureau to include educational matters.

1910

Fourth International Conference of American States, Buenos Aires, Argentina, changed the name of the International Union of American Republics to Union of American Republics, and the International Commercial Bureau to Pan American Union.

1923

Fifth International Conference of American States, Santiago, Chile, formalized a technique for the pacific settlement of disputes in the Treaty to Avoid or Prevent Conflicts between the American States (also known as the "Gondra Treaty" after its main author, Paraguayan Foreign Minister Manuel Gondra). It also approved a resolution leading to the founding of the Pan American Highway System.

1928

Sixth International Conference of American States, Havana, Cuba, approved conventions on political asylum, maritime neutrality, the rights and duties of states in the event of civil strife, private international law (Bustamante Code), extradition, and other matters.

*** Source: The OAS and the Evolution of the Inter-American System, Department of Public Information, General Secretariat, OAS, with lettered subheadings added by CRS. Meetings after 1985 added by CRS with assistance from U.S. Mission to the OAS.**

1929

International Conference of American States on Conciliation and Arbitration (a special conference), Washington, D.C., further strengthened the principles of arbitration and conciliation with the signing of the General Treaty of Inter-American Arbitration and the General Convention of Inter-American Conciliation.

1933

Seventh International Conference of American States, Montevideo, Uruguay, adopted the Convention on the Rights and Duties of States, establishing the equality of states and the principle that "no state has the right to intervene in the internal or external affairs of another."

B. World War II-Related Conferences Leading to Creation of the OAS, 1936-1948

1936

Inter-American Conference for the Maintenance of Peace (a special conference), Buenos Aires, Argentina, adopted conventions incorporating the principle of consultation for the pacific settlement of controversies in the event of an international war outside America that might menace the peace of the American republics.

1938

Eighth International Conference of American States, Lima, Peru. Here the American nations proclaimed the unity of the Western Hemisphere in the face of World War II with the Declaration of Lima and created the Meeting of Consultation of Ministers of Foreign Affairs.

1939-1942

In instances of threats to peace and security, inter-American meetings of consultation were held long before they were formally established either by the Charter or by the Rio Treaty. Three were called to devise strategy for the defense of the Western Hemisphere during World War II. The first was held in Panama City immediately after the outbreak of World War II in 1939; the second, in Havana, Cuba, after the fall of France in 1940; and the third in Rio de Janeiro in early 1942, after the Japanese attack on Pearl Harbor. All subsequent meetings have been held under either the Rio Treaty or the Charter of the OAS (see 1947, 1948).

1945

Inter-American Conference on the Problems of War and Peace (a special conference), Mexico City. Through the Act of Chapultepec (adopted at the Conference) the system of consultation was broadened and a resolution adopted that declared in part "the security and solidarity of the Continent are affected to the same extent by an act of aggression against any of the American states by a non-American state, as by an act of aggression of an American state against one or more American states," and that such aggression against one or more of them would be considered aggression against them all.

The meeting created the Inter-American Economic and Social Council.

1947

Inter-American Conference for the Maintenance of Continental Peace and Security (a special conference), Rio de Janeiro, put into effect permanently the provisions of the Act of Chapultepec through the drawing up of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty). The Treaty defines the principal obligations of the signatories in the event of armed attacks against an American state or acts of aggression short of armed attack. A security zone in which the treaty is operative was drawn and the Organ of Consultation was created.

1948

Ninth International Conference of American States, Bogotá, Colombia. Signing of the Charter of the OAS. The Union of American Republics changed its name to Organization of American States, although the General Secretariat of the OAS continued to be called the Pan American Union until 1970. The Conference also approved the American Treaty on Pacific Settlement or "Pact of Bogotá"; the American Declaration of the Rights and Duties of Man, precursor of the Universal Declaration of Human Rights; the Economic Agreement of Bogotá; and conventions on the granting of civil and political rights to women.

C. Inter-American Meetins Under 1948 OAS Charter, 1951-1970

1951

Fourth Meeting of Consultation (under the Charter) Washington, D.C., to confer on the threat to the peace of the Hemisphere posed by the expansionist policies of international communism, after the invasion of South Korea by North Korea and Chinese armed forces. Prompt measures were undertaken to ensure the military defense of the Hemisphere.

1954

Tenth Inter-American Conference, Caracas, Venezuela, changed the direction and orientation of the policies and programs of the OAS by emphasizing economic, social, and cultural development. Several new conventions on the promotion of cultural relations in the Americas and on territorial and diplomatic asylum were also signed.

1956

Meeting of the Presidents of the American Republics in Panama City to commemorate the 130th anniversary of the Congress of Panama and to honor Simón Bolívar. The Declaration of Panama signed by the presidents on that occasion called for an intensive cooperative effort to make human liberty and just and decent living conditions a reality for all the peoples of America.

1958

The Government of Brazil set forth a dynamic plan of action called Operation Pan America.

1959

Fifth Meeting of Consultation (under the Charter), Santiago, Chile, considered the situation of international tension in the Caribbean area and the effective exercise of representative democracy and respect for human rights. The Inter-American Commission on Human Rights was created.

1960

Sixth Meeting of Consultation, San José, Costa Rica (first under the Rio Treaty), resolved "to condemn . . . participation of the Government of the Dominican Republic in acts of aggression and intervention against Venezuela which culminated in the attempt on the life of the president of the country," and called for the breaking of diplomatic relations of all the member states with the Dominican Republic and partial interruption of economic relations of all member states with that country.

Seventh Meeting of Consultation, also in San José, Costa Rica, (under the Charter) adopted the Declaration of San José that denounced all types of intervention that could endanger American solidarity.

The Act of Bogotá set forth measures for the social improvement and economic development of the countries, within the framework of Operation Pan America, and laid the foundation of the Alliance for Progress.

1961

The Alliance for Progress became a reality when the OAS adopted the Charter of Punta del Este and the Declaration to the Peoples of America.

1962

Eighth Meeting of Consultation (under the Rio Treaty), Punta del Este, Uruguay, approved a resolution excluding the Government of Cuba from participation in the inter-American system.

1964

Ninth Meeting of Consultation (under the Rio Treaty), Washington, D.C., condemned the Government of Cuba for its acts of aggression and intervention against Venezuela, and requested the American states to suspend diplomatic relations and their trade with the Government of Cuba, except for humanitarian reasons.

First Special Inter-American Conference, Washington, D.C., approved the Act of Washington that sets guidelines for the admission of new members to the Organization.

1965

Tenth Meeting of Consultation (under the Charter), Washington, D.C., considered the "serious situation created by armed strife in the Dominican Republic" and created an Inter-American Peace Force.

Second Special Inter-American Conference, Rio de Janeiro, Brasil, acknowledged the need to reform the Charter.

1967

Third Special Inter-American Conference, Buenos Aires, Argentina, approved the Protocol of Amendments to the Charter of the OAS (known as Protocol of Buenos Aires) that entered into effect in 1970.

Eleventh Meeting of Consultation (under the Charter) held three sessions (Washington, D.C.; Buenos Aires, Argentina; Punta del Este, Uruguay) to prepare a projected Meeting of American Chiefs of State for the purpose of strengthening the Alliance for Progress.

Meeting of American Chiefs of State, Punta del Este, Uruguay, where the Declaration of the Presidents of America was signed, spelling out the means for the American nations to intensify inter-American cooperation.

Twelfth Meeting of Consultation (under the Charter) Washington, D.C. culminated in a resolution that vigorously condemned the Cuban Government for its repeated acts of aggression and intervention against Venezuela, Bolivia, and other American states, and urged nonmember states to cooperate in a trade embargo.

Barbados and Trinidad and Tobago became new members of the OAS.

1969

Thirteenth Meeting of Consultation, Washington, D.C. (under the Rio Treaty) held for the purpose of resolving the armed conflict that broke out between El Salvador and Honduras.

Jamaica became a member of the OAS.

D. Meetings Under the 1967 OAS Charter, 1970-1988

1970

The OAS Charter, as amended by the Protocol of Buenos Aires, entered into force on February 27, changing the structure of the OAS. The General Assembly replaced the Inter-American Conference.

During the course of seven months the General Assembly held three special sessions in order to put the new mechanism provided for in the new Charter into operation.

1971

Fourteenth Meeting of Consultation (under the Charter) Washington, D.C., considered a dispute between Ecuador and the United States concerning fishing jurisdiction and the extent of territorial seas. The ministers urged the parties to avoid aggravation of their differences and to use the negotiations in which they had shown special interest.

First Meeting of the General Assembly, San José, Costa Rica, under the terms of the Charter as amended.

1973

At its third regular session, held in Washington, D.C., the General Assembly created a Special Committee for the purpose of restructuring the inter-American system so that it might respond adequately to changing hemisphere and world conditions.

1974

Fifteenth Meeting of Consultation (under the Rio Treaty), Quito, Ecuador, was requested by the Governments of Colombia, Costa Rica, and Venezuela, which submitted a draft resolution to revoke all sanctions against Cuba. This resolution failed to achieve the necessary two-thirds majority.

1975

Sixteenth Meeting of Consultation (under the Rio Treaty) San José, Costa Rica, freed the State Parties to the Rio Treaty to normalize their relations with Cuba.

Grenada became a member state of the OAS.

1976

Agreement signed by Honduras and El Salvador at OAS headquarters, under which they sought to end the hostilities between them dating back to 1969, by accepting the good offices of a mediator.

1977

Suriname became a member of the OAS.

1978

Seventeenth and Eighteenth Meetings of Consultation (under the Charter and the Rio Treaty, respectively) Washington, D.C., considered Nicaragua's civil strife and the serious situation between Costa Rica and Nicaragua.

Entry into force of the American Convention on Human Rights establishing the Inter-American Court of Human Rights.

1979

Entry into force of the Panama Canal Treaty and the Treaty Concerning the Permanent Neutrality of the Canal and Operation of the Panama Canal.

The Commonwealth of Dominica and Saint Lucia became members of the OAS.

1980

Deposit of the peace treaty between El Salvador and Honduras, at OAS headquarters.

1981

Nineteenth Meeting of Consultation (under the Charter), Washington, D.C., considered the conflict between Ecuador and Peru. At the meeting both countries announced the cease-fire at the zone of the conflict. The meeting acknowledge the commitment made by both countries to re-establish and consolidate the peace.

Inter-American Convention on Extradition was approved.

Saint Vincent and the Grenadines, and Antigua and Barbuda became members of the OAS.

1982

The Twentieth Meeting of Consultation of Ministers of Foreign Affairs (under the Rio Treaty) was convoked to consider the grave situation that had arisen in the South Atlantic due to a confrontation between the United Kingdom of Great Britain and Northern Ireland and the Argentine Republic regarding the Malvinas Islands.

The Commonwealth of the Bahamas became member of the OAS.

1983

The Special Specialized Conference on External Financing was held. The Conference unanimously approved the "Bases for Understanding," to make it possible to reverse the trend toward crisis of economic and social development.

1984

The Fourteenth Regular Meeting of the General Assembly made the "Declaration of Brasilia," through which the member states reiterated their willingness to join efforts in the continuing task of bringing about conditions of well-being and integral development that will ensure for their peoples a life of freedom and dignity.

Saint Christopher and Nevis became member of the OAS.

1985

The Fourteenth Special Meeting of the General Assembly approved the Protocol of Amendments to the Charter of the OAS (Protocol of Cartagena) subject to ratification by the member states.

1986

The Inter-American Specialized Conference on Narcotics Trafficking adopted the "Program of Action against the Illicit Use and Production of Narcotics Drugs and Psychotropic Substances and the Traffic Therein."

The Sixteenth Regular Meeting of the General Assembly approved the "Program of Action" on narcotics, and established the Inter-American Drug Abuse Control Commission.

1987

The OAS Secretary General was named one of the thirteen members of the International Commission on Verification and Follow-up established by the "Esquipulas II" peace agreement between the five Central American Presidents.

1988

The OAS Secretary General was named one of the two members of the Verification Commission established by the "Sapoa Agreement" between the Nicaraguan Government and the Nicaraguan Resistance.

The Eighteenth Regular Meeting of the General Assembly approved the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador").

Entry into force, with three additional ratifications, of the 1985 Protocol of Amendment (the "Protocol of Cartagena de Indias") to the OAS Charter.

IV. INTER-AMERICAN MEETINGS DEALING WITH THREATS TO THE PEACE IN THE AMERICAS, 1939-1988

A. Brief Summary of OAS Peacekeeping Procedures[1]

Overview

The Inter-American System has been based on a web of inter-related treaties -- primarily the Inter-American Treaty of Reciprocal Assistance (the Rio Treaty) of 1947, the Charter of the Organization of American States of 1948 as amended by the Protocol of 1967, and the American Treaty on Pacific Settlement (the Pact of Bogota) of 1948. Through these treaties, the States Parties have agreed (1) to refrain from interference in the affairs of others, (2) to resolve disputes in a peaceful manner, and (3) to take collective measures, in the event of aggression, to assist the party under attack.

Procedures for Dealing with Three Types of Threats

In general, the Inter-American System treats threats to the peace in three categories indicated below. It provides for the calling of a Meeting of Ministers of Foreign Affairs to serve as an Organ of Consultation to agree by a two-thirds vote on collective measures for dealing with the various threats.

1. Armed Attack Against an American State (Rio Treaty, Article 3)

In the event of "an armed attack by any State against an American State" each of the signatories of the Rio Treaty agrees "to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense..." In this case, the Chairman of the Permanent Council of the OAS shall call the Permanent Council to act Provisionally as the Organ of Consultation (until the foreign ministers can assemble) to consider individual action previously taken and to agree "upon the measures of a collective character that should be taken." Until the decision of the Organ of Consultation, "each of the Contracting Parties may determine the immediate measures which it may individually take...." Complete information concerning self-defense measures must be sent to the UN Security Council immediately. (Articles 3 and 5 of Rio Treaty, Article 63 of OAS Charter)

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[1] Prepared by K. Larry Storrs, Specialist in Latin American Affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress. This summarizes the procedures before the entry into force, on November 16, 1988, of the 1985 Protocol of Amendment to the OAS Charter (the "Protocol of Cartagena de Indias") which broadens the peace-keeping and dispute settlement powers of the OAS and its Permanent Council, and also expands the political role assigned to the OAS Secretary General.

2. Threat to the Peace Not an Armed Attack (Rio Treaty, Article 6)

"If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack, or by an extracontinental conflict, or by any other fact or situation that might endanger the peace of America" the Organ of Consultation shall meet if the request of any party has been approved by an absolute majority of the Permanent Council. The Organ of Consultation shall agree on the measures to be taken to assist the victim of aggression and on the measures to be taken for the common defense of the Continent. (Rio Treaty, Article 6)

3. Problems of an Urgent Nature and of Common Interest (OAS Charter, Article 59)

Any Member of the Organization of American States may request the Permanent Council to call a Meeting of Consultation of Ministers of Foreign Affairs to act as the Organ of Consultation "to consider problems of an urgent nature and of common interest to the American States...." The Permanent Council decides by an absolute majority whether a meeting should be held. (OAS Charter, Articles 59, 60)

B. Summary of Major OAS Meetings Dealing with Threats to the Peace[1]

YEAR	REQUESTING STATE(S)	REASON FOR THE REQUEST	ACTION TAKEN OR RESULTS
1939	Argentina Brazil Chile Colombia Cuba Mexico Panama Peru United States	To consider means to maintain the neutrality of the hemisphere.	First Meeting of Consultation of Ministers of Foreign Affairs. Establishment of a security zone in the waters adjacent to the American continent so as to keep them free of any hostile acts by any non-American belligerent nation; establishment of the Inter-American Neutrality Committee, which in 1942 became the Inter-American Juridical Committee; establishment of the Inter-American Financial and Economic Advisory Committee, which was succeeded in 1948 by the Inter-American Economic and Social Council; and the adoption of other measures for economic cooperation.
1940	Cuba	To discuss European possessions in the Americas and the danger of their possible transfer to other non-American powers.	Second Meeting of Consultation of Ministers of Foreign Affairs. Creation of an emergency committee to assume provisionally the administration of any European colony or possession in the Americas in the event of an attack or threat against it; and the adoption, among others, of Resolution XV, "Reciprocal Assistance and Cooperation for the Defense of the Nations of the Americas."

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[1] Includes disputes where action was taken by a Meeting of Consultation of Ministers of Foreign Affairs, or by the OAS Council acting provisionally as the Organ of Consultation. Does not include disputes of lesser importance, particularly the numerous disputes handled by the Inter-American Peace Committee in the 1948-1970 period, and disputes handled by the Permanent Council in the 1970-1988 period.

YEAR	REQUESTING STATE(S)	REASON FOR THE REQUEST	ACTION TAKEN OR RESULTS
1942	Chile United States	To determine the attitude to be adopted by American republics in the face of the attack by Japan at Pearl Harbor and subsequent declaration of war by Germany and Italy.	Third Meeting of Consultation of Ministers of Foreign Affairs. Recommendations for the breaking of diplomatic relations with Japan, Germany, and Italy, and severance of commercial and financial relations with the nations signatory to the Tripartite Pact; creation of the Emergency Advisory Committee for Political Defense; establishment of the Inter-American Defense Board; and adoption of various emergency matters.
1948-1949	Costa Rica	Costa Rica alleged that its territory had been invaded by armed forces proceeding from Nicaragua.	Signature of a Pact of Amity between the two governments on February 21, 1949, in the presence of the Council of the OAS. The Pact entered into force on July 15, 1949.
1950	Haiti Dominican Republic	Haiti charged that the Dominican Republic threatened to use force. The Dominican Republic cited various acts that it considered threats to its sovereignty and political independence.	Initiative by the Council of the OAS acting provisionally as Organ of Consultation to perfect inter-American instruments, such as the Havana Convention of 1928 and the Duties and Rights of States in the Event of Civil Strife, and negotiations by the Investigating Committee of the Council carried out on the site.
1951	United States	To consider problems of communism and hemispheric security following aggression in Korea.	Fourth Meeting of Consultation of Ministers of Foreign Affairs. Support of the action of the United Nations in favor of collective security, and adoption of various measures related to the current emergency, in the fields of political and military cooperation, strengthening of internal security and economic cooperation.

YEAR	REQUESTING STATE(S)	REASON FOR THE REQUEST	ACTION TAKEN OR RESULTS
1954	Brazil Costa Rica Cuba Dominican Republic Honduras Haiti Nicaragua Panama Peru United States	Intervention by the international communist movement in Guatemala.	The convocation of the Organ of Consultation was cancelled in view of the fall of the Arbenz government that took place shortly after the request was made.
1955	Costa Rica	Costa Rica charged that its territory had been invaded by armed forces proceeding from Nicaragua.	Agreement between both countries in compliance with Article IV of the Pact of Amity of 1949, and Agreement on the functioning of the Commission of Investigation and Conciliation established in accordance with the Pact of Bogota (both signed in the presence of the Council of the OAS).
1957	Honduras Nicaragua	Honduras charged violations of its territory. Nicaragua made similar charges.	Agreement of July 21, 1957, signed in the presence of the OAS, by which the parties agreed to take the matter before the International Court of Justice. The border in dispute was later demarcated in accordance with the decision of the said Court and, at the request of both parties, with the collaboration of the Inter-American Peace Committee.
1959	Panama	Invasion of Panama by foreign elements proceeding from Cuba.	Initiative by the Council of the OAS acting provisionally as Organ of Consultation and negotiations carried out by the Investigating Committee of the Council on the site, with the approval of the Government of Panama, to obtain the unconditional surrender of the invaders and the deposit of their arms.

YEAR	REQUESTING STATE(S)	REASON FOR THE REQUEST	ACTION TAKEN OR RESULTS
1959	Nicaragua	Invasion of Nicaragua, by air, by nationals proceeding from Costa Rica and threat of invasion by land and sea.	Initiative by the Council of the OAS acting provisionally as Organ of Consultation and negotiations carried out on the site by the Committee appointed by said Organ to collect additional information regarding the situation that had motivated the complaint.
1959	Brazil Chile Peru United States	To consider problems of unrest in the Caribbean; discussion of problems of democracy and human rights in Latin America.	Fifth Meeting of Consultation of Ministers of Foreign Affairs. Assignment of new functions to the Inter-American Peace Committee to cooperate in the accomplishment of the purposes of the meeting; establishment of the Inter-American Commission on Human Rights; statement of principles and attributes of the democratic system in America; and assignments to various organs of the OAS for preparation of studies on human rights and the effective exercise of representative democracy.
1960	Venezuela	To consider acts of intervention and aggression by the government of the Dominican Republic against the government of Venezuela.	Sixth Meeting of Consultation of Ministers of Foreign Affairs. Sending of an Investigating Committee by the Council of the OAS acting provisionally as Organ of Consultation and holding of the Sixth Meeting of Consultation. Sanctions were imposed against the Dominican Republic and later were extended by the Council. Said measures were lifted by the Council on January 4, 1962.

YEAR	REQUESTING STATE(S)	REASON FOR THE REQUEST	ACTION TAKEN OR RESULTS
1960	Peru	To consider tensions in the Caribbean (Cuban situation).	Seventh Meeting of Consultation of Ministers of Foreign Affairs. Energetic condemnation of intervention or the threat of intervention by an extracontinental power in the affairs of the American Republics; creation of an ad hoc good offices committee.
1961-1962	Colombia	To consider the communist offensive in Latin America, the Alliance for Progress, human rights, and exclusion of Cuba from the OAS.	Eighth Meeting of Consultation of Ministers of Foreign Affairs. Exclusion of the present Government of Cuba from participation in the Inter-American System; support for reforms under the Alliance for Progress.
1962	United States	To respond to offensive weapons with a nuclear capability established on Cuban territory by the U.S.S.R.	Measures taken by the Member States, based on the resolution approved by the Council of the OAS acting provisionally as Organ of Consultation, to impede the delivery to Cuba of offensive weapons and to cause the withdrawal from Cuba, by the Soviet Union, of missiles and military personnel. The provisional action of the Council of the Organ of Consultation has not been cancelled.
1963	Costa Rica Haiti	To consider Costa Rican and Haitian requests concerning tensions between the Dominican Republic and Haiti.	Recommendations to the parties by the Council of the OAS acting provisionally as Organ of Consultation and negotiations carried out on the site by the Investigating Committee of the Council in order to solve the problem. The asilees eventually left both countries; the governments of Haiti and the Dominican Republic began formal negotiations under the Committee's auspices and, finally, renewed diplomatic relations.

YEAR	REQUESTING STATE(S)	REASON FOR THE REQUEST	ACTION TAKEN OR RESULTS
1963-1964	Venezuela	On intervention by Cuba in Venezuela.	Ninth Meeting of Consultation of Ministers of Foreign Affairs. Sending of an Investigating Committee to the site by the Council of the OAS acting provisionally as Organ of Consultation. On the basis of this report, the Ninth Meeting of Consultation decided to require a rupture in trade and diplomatic relations with the present Government of Cuba and made a Declaration to the Cuban people.
1964	Panama	On the denunciation by the Government of Panama of acts of aggression by the United States in connection with the events that occurred in Panama on January 9, 10, and 11, 1964.	Establishment of a General Committee by the Council of the OAS acting provisionally as Organ of Consultation and sending of a five-member Delegation by the Committee to investigate and conciliate. On April 3, 1964, the Representatives of both parties signed a Joint Declaration that established the bases of an agreement between them. On September 24, 1965, the Presidents of the United States and Panama issued a joint declaration on the progress in the negotiation of new treaties.
1965	Chile	To consider disturbances in the Dominican Republic.	Tenth Meeting of Consultation of Ministers of Foreign Affairs. Dispatch of a special committee to Santo Domingo to obtain a formal cease-fire agreement; signing of the Act of Santo Domingo; entrusting the Secretary General with taking certain steps in the Dominican Republic conducive to establishing an atmosphere of peace and conciliation;

YEAR	REQUESTING STATE(S)	REASON FOR THE REQUEST	ACTION TAKEN OR RESULTS
			creation of an Inter-American Peace Force under the authority of the Meeting of Consultation; dispatch of an ad hoc committee; activities of the Inter-American Commission on Human Rights; measures for assistance by the OAS to the Dominican people and Government; and the sending of technical missions on electoral matters.
1967		To arrange a meeting of Hemisphere Chiefs of State.	Eleventh Meeting of Consultation of Ministers of Foreign Affairs. Declaration of the Presidents of America, Punta del Este, Uruguay, 1967.
1967	Venezuela	On intervention by Cuba in Venezuela and Bolivia and Tricontinental Solidarity Organizations.	Twelfth Meeting of Consultation of Ministers of Foreign Affairs. Appointment of a committee to examine the events that had taken place in Venezuela; establishment of an eight-member committee to prepare a report on the most recent events related to the so-called Afro-Asian-Latin American Peoples' Solidarity Conference; emphatic condemnation of the present Government of Cuba for its repeated acts of aggression and interference against Venezuela and other American states; and specific recommendations to the governments of the member states, especially that they bring to the attention of the competent organ of the United Nations the acts of intervention and subversion of the present Government of Cuba.
1969	Honduras El Salvador	In response to hostilities between the Governments of El Salvador and Honduras.	Thirteenth Meeting of Consultation of Ministers of Foreign Affairs. The Council acting provisionally as Organ of Consultation named a Special Committee which traveled

YEAR	REQUESTING STATE(S)	REASON FOR THE REQUEST	ACTION TAKEN OR RESULTS
			immediately to the area in conflict. The Thirteenth Meeting of Consultation achieved establishment of a ceasefire, troop withdrawal, prisoner exchange, and guarantees for Salvadoran citizens residing in Honduras. On October 6, 1976, the Foreign Ministers of El Salvador and Honduras signed an agreement under which disputes arising from the armed conflict were submitted to mediation.
1971	Ecuador	To consider charges by the Government of Ecuador against the United States Government for use of coercive measures.	Fourteenth Meeting of Consultation of Ministers of Foreign Affairs. Appeal to the parties that they avoid aggravating the differences, and that they use the negotiations in which they have indicated interest. Appeal to the member states that they strictly observe the principles of the Charter and refrain from using any type of measures which affect the sovereignty of the states and the tranquility of the Hemisphere.
1974	Colombia Costa Rica Venezuela	To discontinue sanctions on Cuba imposed by the Ninth Meeting of Consultation of the Ministers of Foreign Affairs.	Fifteenth Meeting of Consultation of Ministers of Foreign Affairs. The draft resolution presented at that meeting by the delegations of Colombia, Costa Rica, and Venezuela proposing that the application of Resolution I of the Ninth Meeting of Consultation be discontinued did not obtain the majority of votes required for approval.

YEAR	REQUESTING STATE(S)	REASON FOR THE REQUEST	ACTION TAKEN OR RESULTS
1975	Argentina Colombia Costa Rica Ecuador Haiti Mexico Panama Peru Trinidad and Tabago Venezuela	To allow states to normalize or conduct relations with the Republic of Cuba at the level and in the form that each state deems advisable.	Sixteenth Meeting of Consultation of Ministers of Foreign Affairs. The Sixteenth Meeting of Consultation adopted a resolution reaffirming the principle of nonintervention and leaving the States Parties to the Rio Treaty free to normalize or conduct, in accordance with the national policy and interests of each, their relations with the Republic of Cuba at the level and in the form that each State deems advisable.
1978-1979	Venezuela	On the turmoil in Nicaragua and in its border areas, with specific regard to human suffering; on declaring the need to replace the current government of Nicaragua with a different form of representation.	Seventeenth Meeting of Consultation of Ministers of Foreign Affairs. The governments directly concerned were urged "to refrain from any action that might aggravate the present situation". The General Secretariat of the OAS was requested to consult with the governments of the region affected, with the international Committee of the Red Cross, with United Nations agencies, and with other inter-governmental humanitarian organizations, to determine what humanitarian assistance was needed to relieve the suffering in that region, and to urge the member states to give urgent and generous support to efforts that would provide such assistance. A June 23, 1979 resolution declared that the solution to the problems in Nicaragua lies "exclusively within the jurisdiction of the people of Nicaragua", but that the solution should be arrived at through the immediate replacement of the Somoza regime with a democratic government.

YEAR	REQUESTING STATE(S)	REASON FOR THE REQUEST	ACTION TAKEN OR RESULTS
			It was decided to keep the Seventeenth Meeting of Consultation in session.
1978	Costa Rica	In response to the situation in Nicaragua.	Eighteenth Meeting of Consultation of Ministers of Foreign Affairs. The Eighteenth Meeting of Consultation was convoked, but did not take place.
1978	Costa Rica	In response to the situation in Nicaragua.	The Council, acting provisionally, took the place of the Eighteenth Meeting of Consultation. The foreign ministers resolved to reaffirm the principal of prohibiting threats and the use of force in international relations; to request that Nicaragua refrain from threats or acts of aggression against Costa Rica, as well as to take the steps necessary to normalize border traffic; to ask the Permanent Council to expedite the appointment of the Committee of Civilian Observers so that it could travel as soon as possible to the border between Costa Rica and Nicaragua.
1981	Ecuador	On the armed conflict between Ecuador and Peru.	Nineteenth Meeting of Consultation of Ministers of Foreign Affairs. The Nineteenth Meeting of Consultation achieved a ceasefire which would be observed by an appointed committee. The committee also worked at creating conditions of peace between the countries.

YEAR	REQUESTING STATES(S)	REASON FOR THE REQUEST	ACTION TAKEN OR RESULTS
1982	Argentina	On the conflict between Great Britain and Argentina over the Malvinas/ Falklands Islands.	Twentieth Meeting of Consultation of Ministers of Foreign Affairs. The Twentieth Meeting of Consultation condemned the actions of the United Kingdom, urged the United States and the European Economic Community to lift coercive measures applied against Argentina, requested states party to the Rio Treaty to support Argentina, and urged the United Kingdom and Argentina to resume negotiations concerning the conflict.

C. Resolutions of Major OAS Meetings on Threats to Peace

1. Council of the OAS Acting Provisionally as Organ of Consultation, 1948-1949 *

Resolution of December 24, 1948

The Committee submitted the following resolution, which was approved by the Provisional Organ of Consultation:

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

after studying the detailed report of the Committee that was in Costa Rica and Nicaragua for the purpose of investigating the facts and antecedents of the situation created between those sister Republics,

RESOLVES:

I. To request the Governments of Costa Rica and Nicaragua, in compliance with the Inter-American Treaty of Reciprocal Assistance, to give full assurances to the Provisional Organ of Consultation that they will immediately abstain from any hostile act toward each other.

II. To make known, with due respect to the Government of Nicaragua, that, in the light of data gathered by the Committee of Information especially appointed for the purpose, that Government could and should have taken adequate measures at the proper time for the purpose of preventing: (a) the development, in Nicaraguan territory, of activities intended to overthrow the present regime in Costa Rica, and (b) the departure from Nicaraguan territory of revolutionary elements who crossed the frontier and today are prisoners or are still fighting against the Government of Costa Rica.

III. To make known, with due respect to the Government of Costa Rica, that it can and should take adequate measures to rid its territory of groups of nationals or foreigners, organized on a military basis with the deliberate purpose of conspiring against the security of Nicaragua and other sister republics, and of preparing to fight against their governments.

IV. To request very respectfully that both governments, by every available means, faithfully observe the principles and rules of nonintervention and solidarity contained in the various inter-American instruments signed by them.

V. To continue in consultation until positive assurances have been received from the Governments of Costa Rica and Nicaragua, that, as they are assuredly disposed to do, they will adhere strictly to the lofty principles and rules that constitute the juridical basis of American international life.

VI. To recommend that all American Governments actively cooperate toward the best observance of the principles which inspire this resolution.

VII. To inform all States Members of the Organization of the steps taken in this case.

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*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume 1, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973

2. Council of the OAS Acting Provisionally as Organ of Consultation, 1948-1949 *

Resolution of April 8, 1950

I

The Council of the Organization of American States, acting provisionally as Organ of Consultation,

Having seen the Report presented by the Committee which investigated the facts and antecedents to which the Note of the Haitian Government of January 3, 1950, refers; and

CONSIDERING: That the Organ of Consultation, convoked January 6, 1950, in conformity with Article 6 of the Inter-American Treaty of Reciprocal Assistance, should take the steps it considers most advisable for the maintenance of the peace and security of the Continent,

DECLARES:

1. That the facts verified by the Investigating Committee, from among those charged against the Government of the Dominican Republic, are contrary to norms contained in several inter-American instruments, such as the Convention on the Rights and Duties of States, signed at Montevideo in 1933; the Additional Protocol Relative to Non-Intervention, signed at Buenos Aires in 1936, the principle of which is also contained in Article 15 of the Charter of the Organization of American States, as well as in other provisions that govern the peaceful relations of the Members of the Organization.

2. That the danger to international peace that might arise from the events that have affected relations between Haiti and the Dominican Republic has fortunately been dispelled; but that, because of their gravity, those events might have very seriously disturbed American solidarity; and that, if repeated, they would give occasion for application of the procedures of the Inter-American Treaty of Reciprocal Assistance in order to protect the principle of non-intervention and to ensure the inviolability or the integrity of the territory or the sovereignty or the political independence of any American State against aggression on the part of any State or group of States;

3. That, on the other hand, the laws that have been passed in the Dominican Republic to repeal the war powers granted by its Congress to the Executive Power, and to prevent subversive activities on the part of political refugees in its territory, express a clear intention to maintain peace, and show its disposition that, in the future, those events will not be repeated; and

RESOLVES:

1. To request the Government of the Dominican Republic to take immediate and effective measures to prevent government officials from tolerating, instigating, encouraging, aiding, or fomenting subversive or seditious movements against other Governments;

2. To request the Dominican Government to comply strictly with the Joint Declaration of June 9, 1949, the observance of which is equally the responsibility of the Haitian Government;

3. To point out to both Governments the advisability of strengthening their relations on the basis of a bilateral treaty inspired in the aims of the Havana Convention of 1928 on the Duties and Rights of States in the Event of Civil Strife, and also, taking into account the special geographical situation of Haiti and the Dominican Republic, the advisability of incorporating in the agreement or treaty

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*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume I, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973

that they sign special provisions to prevent the inhabitants, national or foreign, of each country, from taking part in activities of any kind capable of disturbing the internal order of the neighboring country;

4. To point out to the Governments of Haiti and the Dominican Republic the advisability of reaching a bilateral agreement to deal with the problems connected with the employment of Haitian workers in the Dominican Republic;

5. To request the Governments of Haiti and the Dominican Republic to make every effort, within the limits of their respective constitutional powers, to avoid the continuation of any systematic and hostile propaganda, expressed through any medium whatsoever, against each other, or against other American countries and their respective Governments;

6. Finally, inspired by the basic principle of American solidarity, to express its fervent hope that both sister Republics, once the present difficulties have been removed, will find means of reestablishing, as soon as possible, the good relations that should always exist among all the members of the American community.

II

The Council of the Organization of American States, acting provisionally as Organ of Consultation,

CONSIDERING: That the Report submitted by the Investigating Committee which was created by the Organ of Consultation in its Resolution of January 6, 1950, clearly establishes that in the past there did exist, and that in some respects there still persists, an abnormal situation constituting a threat to the established institutions of the nations in the Caribbean area and an obstacle to the maintenance of normal friendly relations among certain States located therein;

That the Organ of Consultation, having been convoked to study this situation, is therefore under an obligation, in accordance with Article 6 of the Inter-American Treaty of Reciprocal Assistance, to take steps which contribute to the maintenance of the peace and security of the Continent,

DECLARES:

1. That there existed within Cuba in 1947 and within Guatemala in 1949, armed groups of various nationalities, which were not part of the regular armed forces of those countries and which were animated by the unconcealed purpose of overthrowing the Government of the Dominican Republic by force;

2. That officials of the Governments of Cuba and Guatemala not only expressed openly their sympathy with these subversive organized movements, but in some cases lent them aid;

3. That the facts verified by the Investigating Committee, from among those charged against the Governments of Cuba and Guatemala, are contrary to principles set forth in various inter-American instruments, such as the Convention on Rights and Duties of States, signed at Montevideo in 1933, the Additional Protocol Relative to Non-Intervention signed at the Inter-American Conference for the Maintenance of Peace (Buenos Aires, 1936), the Convention on the Duties and Rights of States in the Event of Civil Strife, concluded at Havana in 1928, and the Charter of the Organization of American States;

4. That likewise there occurred on the part of the Dominican Republic acts which are set forth in the Report and Conclusions of the Investigating Committee and some examined in Resolution I of the Council acting provisionally as Organ of Consultation, which evidently are contrary to the standards of harmonious inter-American relations subscribed to by all the American Governments.

5. That, even though the said facts fortunately did not result in the violation of international peace, they did very seriously weaken American solidarity; and

if they were to persist or recur, they would give occasion for the application of the procedures of the Inter-American Treaty of Reciprocal Assistance in order to protect the principle of non-intervention and to ensure the inviolability or the integrity of the territory or the sovereignty or the political independence of any American State against aggression on the part of any State or group of States;

6. That the declarations formulated by the Chief Executives, to which reference is made in the Report of the Committee, constitute a guarantee against future recurrence of acts of this kind; and

RESOLVES:

1. To request the Governments of Cuba and Guatemala to adopt adequate measures so that they will not permit the existence in their territories of groups of nationals or foreigners organized on a military basis with the deliberate purpose of conspiring against the security of other countries; and to request also the Governments of Cuba, Guatemala, and the Dominican Republic to take adequate measures to ensure absolute respect for the principle of non-intervention, the observance of which is also, naturally, incumbent upon the Government of Haiti;

2. To request the Governments of Cuba and Guatemala to take effective measures to control war materials that may now be or may have been in the possession of the revolutionary groups, and to prevent illegal traffic in arms and possible use of the aforementioned war materials for purposes incompatible with inter-American juridical commitments;

3. To request the Governments of Cuba, Guatemala, Haiti, and the Dominican Republic to make every effort, within the limits of their respective constitutional powers, to avoid any systematic and hostile propaganda, expressed through any medium whatsoever, against one another, or against other American countries and their respective governments;

4. To recommend, in view of the fact that the bilateral negotiations initiated in September 1948 under the auspices of the Inter-American Peace Committee have not yet produced any satisfactory result, that the Governments of Cuba and the Dominican Republic make an effort to arrive as speedily as possible at a settlement of their controversy and that, if such a settlement should not be achieved within six months, this controversy should be submitted to one of the methods of pacific settlement specified in the Pact of Bogotá;

5. To support the conclusions of the Inter-American Peace Committee, approved on September 14, 1949, relative to the situation existing in the Caribbean area, on the understanding that the said conclusions are applicable not merely to the aforesaid situation, but to all American States without exception;

6. Finally, inspired by the basic principles of American solidarity, to express its fervent hope that the said sister Republics, once the present difficulties have been removed, will find means of reestablishing, as soon as possible, the good relations that should always exist among all members of the American community.

III

The Council of the Organization of American States, acting provisionally as Organ of Consultation,

CONSIDERING: That it has approved Resolutions designed to eliminate the factors that have for some time disturbed relations among certain American countries, and that, to facilitate compliance with the said Resolutions, it is advisable to establish a Special Committee, provisional in character and having a clearly defined purpose,

RESOLVES:

To appoint a Committee,[1] composed of five of its Members, which, always respecting the principle of non-intervention, will acquaint itself with the manner in which Resolutions I and II are being carried out and place itself at the service of the interested Parties to facilitate compliance with the said Resolutions, in a thoroughly conciliatory spirit. This Committee shall submit within three months, and likewise at the conclusion of its work, a Report thereon to the Governments, through the General Secretariat of the Organization of American States.[2]

IV

The Council of the Organization of American States, acting provisionally as Organ of Consultation,

CONSIDERING: That both the principle of representative democracy and that of non-intervention are established in many inter-American instruments, and that both are basic principles of harmonious relations among the countries of America; and

That there exists some confusion of ideas as to the means of harmonizing the effective execution and application of the basic principle of non-intervention and that of the exercise of representative democracy,

RESOLVES:

1. To reaffirm the principles of representative democracy, in accordance with Article 5 (d) of the Charter of the Organization of American States, and of suffrage and participation in the government, set forth in Article XX of the American Declaration of the Rights and Duties of Man, as fundamental in the inter-American system, and to express the opinion that, consequently, agreement should be sought on legitimate means to make them completely effective;

2. To declare that the aforementioned principles do not in any way nor under any concept authorize any Government or group of Governments to violate inter-American commitments relative to the principle of non-intervention or to give the appearance of legitimacy to violations of the rules contained in Article 1 of the Havana Convention of 1928, on Duties and Rights of States in the Event of Civil Strife, the Protocol Relative to Non-Intervention (Buenos Aires, 1936), and Article 15 of the Charter of the Organization of American States.

V

The Council of the Organization of American States, acting provisionally as Organ of Consultation,

CONSIDERING: That among the factors that have helped create a situation susceptible of disturbing peace and security in the Caribbean area are some so complex and far-reaching that they require a careful study designed to enable the competent organs of the Organization of American States to take adequate measures to bring about their definitive elimination;

That to this end and without prejudice to the measures that the Organ of Consultation may take in cases of conflicts between American States, in accordance with the Inter-American Treaty of Reciprocal Assistance, the facts ascertained by the Investigating Committee show that other steps are needed;

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[1] The Council decided that the Committee created by this Resolution shall be composed of the Members who made up the Investigating Committee, namely: Ambassadors José A. Mora (Uruguay); Paul C. Daniels (United States); Guillermo Gutiérrez (Bolivia); Eduardo Zuleta Angel (Colombia); and Minister Alfonso Moscoso (Ecuador).

[2] The Special Committee for the Caribbean presented three reports to the Secretary General of the Organization: the first on June 30, 1950, the second on October 31, 1950, and the third on May 14, 1951. The texts of the reports appear on pp. 147-161.

That among the problems pointed out by the Investigating Committee are: that of making the principle of representative democracy more effective; that of strengthening and supplementing the principles and standards that the Governments should observe with relation to activities aimed at fomenting civil strife in other countries; and that of considering the problem created by the presence, in various countries, of political refugees and exiles proceeding from other American nations,

RESOLVES:

1. To recommend to the Council of the Organization that, through its competent Organs, it undertake as promptly as possible the study of the following matters:

a) The possibilities of stimulating and developing, within the provisions of Articles 13, 15, and 19 of the Charter of the Organization of American States, and with due respect to the sovereignty of the States, the effective exercise of representative democracy, set forth in Article 5 (d) of the Charter, as well as in Article XX of the American Declaration of the Rights and Duties of Man.

b) The strengthening and perfecting of the Havana Convention of 1928 on the Duties and Rights of States in the Event of Civil Strife, in order to determine the measures that Governments should employ to prevent, within the territory under their jurisdiction, the preparation of activities designed to foment civil strife in other countries. In this study there should be taken into account the suitability of coordinating the said Convention and other inter-American instruments on the subject with the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance, seeking, furthermore, to make effective Article 15 of the Charter of the Organization of American States.

c) Regimen of political asylees, exiles, and refugees.

2. The study of the point relative to the Havana Convention shall be entrusted in the first instance to the Department of International Law and Organization of the Pan American Union, which should begin by drafting a questionnaire addressed to all the American Governments, with the request that they indicate the modifications, clarifications, or amplifications that in their opinion the clauses of the aforesaid Havana Convention require.

3. When the replies are received from the Governments, it shall be incumbent upon the Department of International Law and Organization to prepare a draft Additional Protocol, which, when it has been found acceptable by the Council of the Organization of American States shall be submitted at once to the Governments for approval and opened for signature by their plenipotentiaries.

4. The study of points (a) and (c) shall be entrusted to the Inter-American Council of Jurists or, if that body is in recess, to the Inter-American Juridical Committee.

5. When such study has been completed, the Inter-American Council of Jurists or the Inter-American Juridical Committee shall send to the Council of the Organization of American States a detailed Report, with the conclusions it has reached and the suggestions it considers advisable, so that the said topics may be included in the agenda of the Tenth Inter-American Conference or of an earlier competent meeting. In any event, the Council or the Committee shall

report within six months to the Council of the Organization of American States, rendering an account of the status of the said study.[1]

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[1] The study recommended in paragraph 1 (a) on the possibilities of stimulating and developing the effective exercise of representative democracy was presented by the Inter-American Juridical Committee in July 1959.

The Draft Protocol to the Havana Convention of 1928, referred to in paragraph 1 (b) and in paragraphs 2 and 3, was opened for signature at the Pan American Union on May 1, 1957.

With respect to the regimen of political asylees, exiles, and refugees, referred to in paragraph 1 (c) and paragraph 5, the Inter-American Juridical Committee made a study of this subject, in connection with which it prepared two draft conventions, one on territorial asylum and the other on diplomatic asylum. These drafts were submitted to the Inter-American Council of Jurists at its Second Meeting in Buenos Aires in 1953. The text approved by the Council of Jurists was transmitted to the Council of the Organization, which decided to submit it to the Tenth Inter-American Conference, and accordingly included a topic for that purpose in the agenda of that Conference. On the basis of these two drafts, the Tenth conference approved two conventions, one on diplomatic asylum and another on territorial asylum, which were signed at that time.

3. Fourth Meeting of Consultation of Ministers of Foreign Affairs, Washington, D.C., March 26-April 7, 1951 *

Final Act of the 4th Meeting of Foreign Ministers Washington, March 26-April 7, 1951 (Extracts)

I. DECLARATION OF WASHINGTON

WHEREAS:

The present Meeting was called because of the need for prompt action by the Republics of this Hemisphere for common defense against the aggressive activities of international communism;

Such activities, in disregard of the principle of non-intervention, which is deeply rooted in the Americas, disturb the tranquility of the peoples of this Continent and endanger the liberty and democracy on which their institutions are founded;

All the said Republics have stated, in solemn acts and agreements, their will to cooperate against any threat to or aggression against the peace, security, and territorial integrity or independence of any one of them;

It will be impossible for such cooperation to be effective unless it is carried out in a true spirit of harmony and conciliation;

In view of the common danger, the present moment is deemed propitious for a reaffirmation of inter-American solidarity;

That danger is aggravated by certain social and economic factors;

In this last connection the need for the adoption of measures designed to improve the living conditions of the peoples of this Continent is now greater than ever; and,

*Source: Collective Security and the Inter-American System, Office of the Historian, United States Department of State, Bureau of Public Affairs, 1985

Nevertheless, in any action for the defense of the Continent and its institutions, the essential rights of man, solemnly proclaimed by the American Republics, should not be lost sight of,

The Fourth Meeting of Consultation of Ministers of Foreign Affairs

DECLARES:

1. The firm determination of the American Republics to remain steadfastly united, both spiritually and materially, in the present emergency or in the face of any aggression or threat against any one of them.

2. Once more the faith of the American Republics in the efficacy of the principles set forth in the Chapter of the Organization of American States and other inter-American agreements to maintain peace and security in the Hemisphere, defend themselves against any aggression, settle their disputes by peaceful means, improve the living conditions of their peoples, promote their cultural and economic progress, and ensure respect for the fundamental freedoms of man and the principles of social justice as the bases of their democratic system.

3. Its conviction that the strengthening of the action of the United Nations is the most effective way to maintain the peace, security, and well-being of the peoples of the world under the rule of law, justice, and international cooperation.

II. PREPARATION FOR THE DEFENSE OF THE AMERICAN REPUBLICS AND SUPPORT OF THE ACTION OF THE UNITED NATIONS

WHEREAS:

The American Republics, as Members of the United Nations, have pledged themselves to unite their efforts with those of other States to maintain international peace and security, to settle international disputes by peaceful means, and to take effective collective measures for the prevention and suppression of acts of aggression;

International peace and security have been breached by the acts of aggression in Korea, and the United Nations, despite its efforts to find a peaceful solution, was obliged, pursuant to resolutions of the Security Council and the General Assembly, to take action to restore peace in that area; and

In order to ensure that the United Nations has at its disposal means for maintaining international peace and security, the General Assembly, on November 3, 1950, adopted the Resolution entitled "Uniting for Peace",

The Fourth Meeting of Consultation of Ministers of Foreign Affairs

DECLARES:

That the present world situation requires positive support by the American Republics for: (1) achievement of the collective defense of the Continent through the Organization of American States, and (2) cooperation, within the United Nations organization, to prevent and suppress aggression in other parts of the world; and

RECOMMENDS:

1. That each of the American Republics immediately examine its resources and determine what steps it can take to contribute to the defense of the Continent and to United Nations collective security efforts, in order to accomplish the aims and purposes of the "Uniting for Peace" Resolution of the General Assembly.

2. That each of the American Republics, without prejudice to meeting the requirements of national self-defense, give particular attention to the development and maintenance of elements within its national armed forces trained, organized, and equipped so that, in accordance with its constitutional norms and to the full extent that, in its judgment, its capabilities permit, they may be promptly available, (1) for the defense of the Continent, and (2) for service as United Nations unit or units, in accordance with the "Uniting for Peace" Resolution.

III. INTER-AMERICAN MILITARY COOPERATION

WHEREAS:

The military defense of the Continent is essential to the stability of its democratic institutions and to the well-being of its peoples;

The American Republics have assumed obligations under the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance to assist any American States subjected to an armed attack, and to act together for the common defense and for the maintenance of the peace and security of the Continent;

The expansionist activities of international communism require the immediate adoption of measures to safeguard the peace and the security of the Continent;

The present grave international situation imposes on the American Republics the need to develop their military capabilities in order, in conformity with the Inter-American Treaty of Reciprocal Assistance: (1) to assure their individual and collective self-defense against armed attacks; (2) to contribute effectively to action by the Organization of American States against aggression directed against any of them; and (3) to make provision, as quickly as possible, for the collective defense of the Continent; and

The Ninth International Conference of American States, in its Resolution XXXIV, entrusted the preparation for collective self-defense against aggression to the Inter-American Defense Board, which, as the only inter-American technical-military organ functioning, is the suitable organ for the preparation of military plans for collective self-defense against aggression,

The Fourth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

1. To recommend to the American Republics that they orient their military preparation in such a way that, through self-help and mutual aid, and in accordance with their capabilities and with their constitutional precepts, and in conformity with the Inter-American Treaty of Reciprocal Assistance, they can, without prejudice to their individual self-defense and their internal security: (a) increase those of their resources and strengthen those of their armed forces best adapted to the collective defense, and maintain those armed forces in such status that they can be promptly available for the defense of the Continent; and (b) cooperate with each other, in military matters, in order to develop the collective strength of the Continent necessary to combat aggression against any of them.

2. To charge the Inter-American Defense Board with preparing, as vigorously as possible, and keeping up to date, in close liaison with the Governments through their respective Delegations, the military planning of the common defense.

3. That the plans formulated by the Inter-American Defense Board shall be submitted to the Governments for their consideration and decision. To the end of facilitating such consideration and decision, the Delegations of the American Republics to the Inter-American Defense Board shall be in continuous consultation with their governments on the projects, plans, and recommendations of the Board.

4. To recommend to the Governments of the American Republics: (a) that they maintain adequate and continuous representation of their armed forces on the Council of Delegates, on the Staff of the Inter-American Defense Board, and on any other organ of the Board that may be established in the future; (b) that they actively support the work of the Board, and consider promptly all the projects, plans, and recommendations of that agency; and (c) that they cooperate in the organization, within the Board, of a coordinated system of exchange of appropriate information.

IV. IMPORTANCE OF MAINTAINING PEACEFUL RELATIONS AMONG AMERICAN STATES

WHEREAS:

It is desirable that the energies of each American Republic be devoted to strengthening its ability to contribute to international peace and security in the American Continent and to the prevention and suppression of international communist aggression; and

Any breach of friendly relations among the American Republics can only serve to provide aid and comfort to the leaders of such aggression as well as to weaken the peace and security of the Western Hemisphere,

The Fourth Meeting of Consultation of Ministers of Foreign Affairs

REAFFIRMS:

The solemn obligations undertaken by all the American Republics to refrain in their international relations from the threat or use of force in any manner inconsistent with the Charter of the United Nations or the Inter-American Treaty of Reciprocal Assistance, and to settle their international disputes by peaceful means;

RECOMMENDS:

That the American Republics make every effort to settle in the shortest possible time, by direct bilateral negotiations, any differences which threaten their friendly relations, and that they promptly submit to other available procedures of peaceful settlement such differences as they may be unable to adjust by negotiation; and

DECLARES:

That the faithful observance by the American Republics of their commitments not to intervene in the internal or external affairs of other States and to settle any disputes among them by peaceful means makes it possible for each of the Republics to concentrate the development of its capabilities upon the tasks best adapted to the role each is best qualified to assume in the collective defense against aggression.

* * * * * * *

VIII. STRENGTHENING OF INTERNAL SECURITY

WHEREAS:

The American Republics, at the Ninth International Conference of American States, with specific reference to "the preservation and defense of democracy in America" and having considered Resolution VI of the Second Meeting of Consultation, resolved to condemn the methods of every system tending to suppress political and civil rights and liberties, and in particular the action of international communism or any other totalitarianism, and consequently, to adopt, within their respective territories and in accordance with their respective constitutional provisions, the measures necessary to eradicate and prevent activities directed, assisted, or instigated by foreign governments, organizations, or individuals tending to overthrow their institutions by violence, to foment disorder in their domestic political life, or to disturb, by means of pressure, subversive propaganda, threats or by any other means, the free and sovereign right of their peoples to govern themselves in accordance with their democratic aspirations;

To supplement those measures of mutual cooperation which assure collective defense as well as the economic and social well-being of the people, upon which the vitality of political institutions depends in such a high degree, it is necessary to adopt laws and regulations for internal security;

In their concern to combat the subversive action of international communism, they are deeply conscious of their desire to reaffirm their determination to preserve and strengthen the basic democratic institutions of the peoples of the American Republics, which the agents of international communism are attempting to abolish, utilizing for this purpose the exploitation and the abuse of these selfsame democratic liberties;

Within each one of the American Republics there has been and is being developed through democratic procedures a body of measures designed to assure its political defense;

It is in accordance with the high common and individual interests of the American Republics to assure that each of them may be able to meet the special and immediate threat of the subversive action of international communism; and

Since the said subversive action recognizes no boundaries, the present situation requires, in addition to adequate internal measures, a high degree of international cooperation among the American Republics, looking to the eradication of any threat of subversive activity which may endanger democracy and the free way of life in the American Republics, The Fourth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

1. To recommend to the Governments of the American States:

(a) That, mindful of their unity of purpose and taking account of the contents of Resolution VI of the Second Meeting of Consultation in Habana and Resolution XXXII of the Ninth International Conference of American States in Bogotá, each American Republic examine its respective laws and regulations and adopt such changes as it may consider necessary to assure that the subversive activities of the agents of international communism, directed against any of them, may be adequately prevented and punished;

(b) That, in accordance with their respective constitutional provisions, they enact measures necessary to regulate in the countries of America transit across international boundaries of those foreigners who there is reason to expect will attempt to carry out subversive acts against the defense of the American Continent; and

(c) That, in the application of this Resolution, they bear in mind the necessity of guaranteeing and defending by the most efficacious means the rights of the human person as well as their firm determination to preserve and defend the basic democratic institutions of the peoples of the American Republics.

2. To request the Pan American Union, for the purpose of facilitating the fulfillment of the objectives of this Resolution, to assign to the appropriate Department, such as the Department of International Law and Organization, with the assistance, if deemed desirable, of experts on the subject, the following duties:

(a) To make technical studies concerning the definition, prevention, and punishment, as crimes, of sabotage and espionage with respect to acts against the American Republics and directed from abroad or against the defense of the Americas;

(b) To make technical studies of general measures by means of which the American Republics may better maintain the integrity and efficacy of the rights of the human person and of the democratic system of their institutions, protecting and defending them from treason and any other subversive acts instigated or directed by foreign powers or against the defense of the Americas;

(c) To make technical studies concerning measures to prevent the abuse of freedom of transit, within the Hemisphere, including clandestine and illicit travel and the misuse of travel documents, designed to weaken the defense of the Americas.

The Pan American Union shall transmit the reports and conclusions resulting from its studies to the American Governments for their information, through their Representatives on the Council of the Organization of American States, and should any of the said governments so request and the Council by a simple majority of votes so decide, a specialized conference on the matter shall be called pursuant to the terms of Article 93 of the Charter of the Organization of American States.

. . . .

XII. ECONOMIC DEVELOPMENT

WHEREAS:

The present international state of emergency and the dangers it contains for all free countries demand efficacious cooperation among the American Republics for the effective defense of the Hemisphere;

One of the most serious factors in social decline, one that best suits the purposes of aggression, is the existence of low standards of living in many countries that have been unable to attain the benefits of modern techniques;

It is therefore necessary to establish rational bases that will make it possible to maintain the equilibrium and, to the extent that the emergency permits, the development of the economies of the underdeveloped American Republics and to improve the standard of living of their peoples in order to increase their individual and collective capacities for the defense of the Hemisphere and contribute to the strengthening of their internal security; and

Programs of economic development and technical cooperation have proven to be the most successful instruments for strengthening internal economies and improving living standards; and the present emergency situation and the greater needs for defense that it imposes are additional and urgent reasons for increasing international cooperation in this field of activity,

The Fourth Meeting of Consultation of Ministers of Foreign Affairs

DECLARES:

That the economic development of underdeveloped countries should be considered as an essential factor in the total concept of Hemisphere defense, without disregarding the fact that it is the prime duty of the American States in the present emergency to strengthen their defenses and maintain their essential civilian activities; and

RESOLVES:

1. That the American Republics should continue to collaborate actively and with even greater vigor in programs of economic development and programs of technical cooperation with a view to building economic strength and well-being in the underdeveloped regions of the Americas and to improving the living levels of their inhabitants.

2. To this end, the American Republics shall supply, subject to the provisions of Resolution XVI, the machinery, mechanical equipment, and other materials needed to increase their productive capacity, diversify their production and distribution, facilitating in appropriate cases financial and technical cooperation in carrying out plans for economic development.

3. Such financial and technical collaboration shall be carried forward with the purpose of modernizing agriculture, increasing food production, developing mineral and power resources, increasing industrialization, improving transportation facilities, raising standards of health and education, encouraging the investment of public and private capital, stimulating employment and raising managerial capacity and technical skills, and bettering the conditions of labor.

4. During the present emergency period, preference among economic development projects should be given in the following order: projects useful for defense purposes and projects designed to satisfy the basic requirements of the civilian economy; projects already begun, the interruption of which would entail serious losses of materials, money, and effort; and other projects for economic development.

5. Each American State will take steps to coordinate its respective plans and programs for economic development with the emergency economic plans, bearing in mind its own tendencies and possibilities, for the continuity of its development.

. . . .

Reservations and Statements

Statement of Mexico:

With reference to Resolution VI on the Reaffirmation of Inter-American Principles Regarding European Colonies and Possessions in the Americas:

"The Delegation of Mexico understands that the proposal which has been approved does not cover territories within the Western Hemisphere occupied by countries outside the Hemisphere, which are the subject of litigation or claim between European powers and some of the American Republics."

Reservation of the Dominican Republic:

With regard to Resolution XIV on Production, Utilization, and Distribution of Scarce Essential Products:

"The Delegation of the Dominican Republic reaffirms the reservation it made in Committee III on Emergency Economic Cooperation, to the effect that the principle of rotation in the representation of the different geographical regions should prevail."

Statement of Ecuador:

"The Minister of Foreign Affairs of Ecuador believes it appropriate to make clear that his country signs the present Act without any reservation because, in approving Resolution III on Inter-American Military Cooperation, the opinion was unanimously accepted that that instrument, in so far as it refers to aggression, includes both extracontinental and intracontinental aggression."

Statement of Guatemala:

With reference to Resolution VI on the Reaffirmation of Inter-American Principles Regarding European Colonies and Possessions in the Americas:

"The Delegation of Guatemala states that, in conformity with the Act of Habana and Article XVIII of the Convention on the Provisional Administration of European Colonies and Possessions in the Americas (Habana, 1940), the present Resolution does not apply to territories that are the subject of litigation or claim between European powers and some of the Republics of America."

Statement of Peru:

"With regard to Resolution IV, entitled: 'Importance of Maintaining Peaceful Relations among American States', the Delegation of Peru points out that it gives its vote of approval, with the understanding that this Resolution, as agreed upon when Committee I approved it, as set forth in the corresponding Minutes, is understood to mean 'without prejudice to what has already been established in specific agreements and in international procedure now in effect.' "

Reservations of Argentina:

1. With respect to Resolution II, on Preparation for the Defense of the American Republics and Support of the Action of the United Nations:

"In voting affirmatively, in compliance with instructions from his Government, and although the clause on constitutional norms in the text of the Resolution makes provision therefor, the Representative of Argentina makes reservation to the effect that any use of its national armed forces, whether on a world-wide or a Continental basis, is conditioned by the National Constitution, which reserves the said authority, exclusively and unassignably, to the National Congress. And moreover, he states for the record specifically that his Government will take no decision, except after express consultation with, and upon the decision of, the

Argentine people, because it concerns a proper exercise of their sovereignty and of an inalienable attribute of the people."

2. With respect to Resolution VI, on the Reaffirmation of Inter-American Principles Regarding European Colonies and Possessions in the Americas:

"In signing the Resolution on Reaffirmation of Inter-American Principles Regarding European Colonies and Possessions in the Americas, the Argentine Representative repeats the reservation that his country expressed on this subject at the Meetings of Consultation in Panama and Habana, and at the Rio de Janeiro Conference in 1947, and states for the record specifically that this Resolution does not refer to or include the Malvinas Islands, South Georgia Islands, South Sandwich Islands, and lands included within the Argentine Antarctic sector, inasmuch as they are not a colony or possession of any nation, but form a part of Argentine territory and are included in its domain and under its sovereignty. The Argentine Republic especially reserves and maintains intact its lawful title and rights to those territories."

Reservation of Chile:

With respect to Resolution VI, on the Reaffirmation of Inter-American Principles Regarding European Colonies and Possessions in the Americas:

"In connection with this subject, the Minister of Foreign Affairs of Chile reaffirms the intent of the reservation expressed by Chile to Resolution XX of the Final Act of the Second Meeting of Consultation of Ministers of Foreign Affairs, held in Habana in 1940, and of the Statement in the Final Act of the Inter-American Conference for the Maintenance of Continental Peace and Security, which met in Rio de Janeiro in 1947, in so far as concerns the Chilean Antarctic Territory."

Statement of the United States of America:

"With regard to references in this Final Act to the Inter-American Charter of Social Guarantees, the United States wishes to call attention to its reservation to that Charter, which was stated and explained at the time of the adoption of that document at the Ninth International Conference of American States."

4. Tenth Inter-American Conference of American States, March 1-28, 1954 *

[See Section 1. E. for the Caracas Declaration of Solidarity, 1954]

Declaration of Caracas, 1954 [1]

The Tenth Inter-American Conference

REAFFIRMS:

The fundamental principles and aims of the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man, the Universal Declaration of Human Rights, and the resolutions of the Organization that refer to those principles and aims,

REITERATES:

Recognition of the inalienable right of each American state to choose freely its own institutions in the effective exercise of representative democracy, as a means of preserving its political sovereignty, achieving its economic independence, and living its own social and cultural life, without intervention on the part of any states or group of states, either directly or indirectly, in its domestic or external affairs, and, particularly, without the intrusion of any form of totalitarianism.

RENEWS:

The conviction of the American States that one of the most effective means of strengthening their democratic institutions is to increase respect for the individual and social rights of man, without any discrimination, and to maintain and promote an elective policy of economic well-being and social justice to raise the standard of living of their peoples; and

RESOLVES:

To unite the efforts of all the American States to apply, develop, and perfect the above-mentioned principles, so that they will form the basis of firm and solidary action designed to attain within a short time the effective realization of the representative democratic system, the rule of social justice and security, and economic and cultural cooperation essential to the mutual well-being and prosperity of the peoples of the Continent; and

DECLARES:

This resolution shall be known as the "Declaration of Caracas."

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[1] Adopted at the Tenth Inter-American Conference, Caracas, held from March 1 to 28, 1954.

*Source: Inter-American Relations, 1973

5. Council of the OAS Acting Provisionally as Organ of Consultation, 1955 *

Resolution of Jan. 14, 1955

Having noted the cablegrams sent from San José, Costa Rica, by the Investigating Committee in compliance with the request for information contained in point 1 of the resolution of January 12, 1955;

Taking into consideration the increasing seriousness of the present situation which affects the integrity, the sovereignty and the political independence of Costa Rica, and

Reaffirming the continuing determination of the American States to maintain the peace,

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

RESOLVES:

1. To condemn the acts of intervention of which Costa Rica is victim and call attention to the grave presumption that there exist violations of international treaties in force.

2. To issue a formal request to all the American Governments to strengthen the measures that they have taken in this case, and especially to the Government of Nicaragua in view of the fact that the Investigating Committee indicates in its most recent cabled report that a substantial part of the elements of war is entering through the northern boundary of the territory of Costa Rica.

3. To request the Investigating Committee to send observers to all the airports in the region involved in the situation, as well as to any place that might be utilized for the transportation of military forces or material to Costa Rica, for the purpose of determining the origin of such forces and material.

4. To request the governments, without prejudice to the authority conferred in Article 12 of the Inter-American Treaty of Reciprocal Assistance, to give consideration to the date and seat of the Meeting of Ministers of Foreign Affairs.

Resolution of Jan. 16, 1955

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

Taking into account the petition presented by the Delegation of Costa Rica; and considering the reports received from the Investigating Committee of the Council, acting provisionally as Organ of Consultation, according to which the Government of Costa Rica does not have the necessary aircraft or arms to defend itself against attacks by foreign aircraft of the type that is now being received by the revolutionary forces;

Noting that the Government of Costa Rica is negotiating the purchase of aircraft, and

Bearing in mind the statement of the Delegation of the United States to the effect that if the Council so requested, it would comply with the request received from the Government of Costa Rica for the purchase of aircraft,

*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume I, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973

RESOLVES:

To request the Governments of the Member States of the Organization to expedite the orders for the purchase of aircraft that Costa Rica may have placed with them.[2]

CONSIDERING:

The communication from the Government of Costa Rica dated January 15, 1955;

The third communication from the Chairman of the Investigating Committee dated January 14, 1955; and

The telegram sent yesterday to the Chairman of the Council by His Excellency Dr. Oscar Sevilla Sacasa, Minister of Foreign Affairs of Nicaragua,

RESOLVES:

To request the Investigating Committee that, in accordance with the wishes expressed by the Governments of Nicaragua and Costa Rica, it proceed with utmost urgency to prepare in consultation with the said Governments and to put into effect through the military advisers of the Committee a plan for effective surveillance of the common frontier of the two countries, reporting as frequently as is necessary to the Council, acting provisionally as Organ of Consultation, regarding the fulfillment of its mission.

Resolution of Feb. 24, 1955

I

COSTA RICA - NICARAGUA SITUATION

HAVING SEEN the Report submitted by the Investigating Committee appointed pursuant to the provisions of paragraph 4 of the resolution approved by the Council on January 11, 1955, in response to the request of the Government of Costa Rica,

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

DECLARES:

That in the resolution of January 14, 1955, the Council, acting provisionally as Organ of Consultation, taking into consideration the increasing seriousness of the situation that was affecting the territorial integrity, the sovereignty, and the political independence of Costa Rica, condemned the acts of intervention of which that Republic was the victim; and

That since the aforesaid international situation has developed favorably it is unnecessary to apply the additional measures set forth in the Inter-American Treaty of Reciprocal Assistance, in order to defend the inviolability, the territorial integrity, the sovereignty, and the political independence of Costa Rica; and

STATES:

Its deep concern over the carrying out of international acts such as those that affected the State of Costa Rica, and its firm desire that events of this nature not be repeated within the inter-American system; and

Its satisfaction that the territorial integrity, the sovereignty, and the political independence of Costa Rica have been preserved, thanks to the measures adopted by the Organization of American States and accepted by the Governments of Costa Rica and Nicaragua.

II

WHEREAS:

The Governments of Costa Rica and Nicaragua signed, at the Pan American Union, on February 21, 1949, a Pact of Amity through which the American Treaty on Pacific Settlement, signed in Bogotá in 1948, was put into effect between these two Republics;

These Governments ratified the aforementioned Treaty in 1948, but have not yet appointed the Members of the Commission of Investigation and Conciliation that it is incumbent upon them to name so that the aforesaid Commission may take action in the settlement of their differences;

In accordance with Article IV of the Pact of Amity, the Governments of Costa Rica and Nicaragua undertook to adopt, in cases contemplated in the Convention on the Duties and Rights of States in the Event of Civil Strife, measures for the control and supervision of frontiers, as well as with respect to any other measure intended to prevent the organization or existence of any revolutionary movement against the Government of either of the two Parties in the territory of the other; and

According to the Report of the Investigating Committee, a considerable number of the forces that participated in the armed attacks against the Government of Costa Rica were interned in Nicaraguan territory, together with the arms, equipment, and war materiel they carried,

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

RESOLVES:

1. To make a cordial appeal to the Governments of Costa Rica and Nicaragua to appoint their respective Members of the Commission of Investigation and Conciliation[1] that it is incumbent upon them to name according to Article XVII of the aforesaid American Treaty on Pacific Settlement, and furthermore to facilitate in every way the organization and functioning of that Commission and to utilize it in the settlement of their controversies.

2. To urge that the necessary measures be taken to prevent the elements that have been interned from organizing themselves, or carrying out illegal activities that might endanger good relations between Costa Rica and Nicaragua.

3. To make a cordial appeal to the Governments of Costa Rica and Nicaragua regarding the desirability that both sign the bilateral agreement mentioned in Article IV of the Pact of Amity "as to the best manner of putting into practice the provisions of the Convention on the Duties and Rights of States in the Event of Civil Strife, in cases contemplated by that Convention, so that it may be applied immediately whenever a situation of this kind arises, in the manner provided for in the said agreement especially with respect to measures for the control and supervision of frontiers, as well as with respect to any other measure

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[1] This Commission was composed of the following members: H. E. John C. Dreier, Chairman, H. E. Alberto Domínguez Campora, H. E. Mario A. Esquivel, H. E. Mario de Pimental Brandão, H. E. Oscar Sevilla Sacasa.

intended to prevent the organization or existence of any revolutionary movement against the Government of either of the two Parties in the territory of the other", and taking specific prior measures to prevent asylees from engaging in activities that would endanger good relations between the two countries.

4. To recommend likewise that the necessary measures be taken to prevent the preparation of terroristic acts in the territory of either Party against the Government of the other.

5. To recommend, as a general measure desirable for all the Member States, the improvement of national systems for controlling the illegal traffic in arms and ammunition and also the effective application of the recommendation contained in Resolution XI of the Inter-American Conference for the Maintenance of Continental Peace and Security that "no stipulation of the Treaty nor any of the obligations created under it should be interpreted as justifying excessive armaments or may be invoked as a reason for the creation or maintenance of armaments or armed forces beyond those required for common defense in the interest of peace and security".

6. To express its opinion that the time for the Member States to consider whether to fix the site and date or to cancel the Meeting of Consultation of Ministers of Foreign Affairs, referred to in the resolution adopted on January 11 by the Council of the Organization, would be after the bilateral Agreement mentioned in the Pact of Amity has been signed and the Commission of Investigation and Conciliation contemplated in the American Treaty on Pacific Settlement has been established.

III

WHEREAS:

The resolutions approved today are inspired by the firm desire to achieve as soon as possible, the re-establishment of most cordial and friendly relations between the Governments of Costa Rica and Nicaragua;

It is highly desirable to cooperate with the Parties for the purpose of assisting them to attain that noble purpose;

The Governments of Costa Rica and Nicaragua have furnished effective cooperation to the Investigating Committee in its work; and

Although the Investigating Committee has submitted its Report, it is advisable for the military observers to continue, for such time as may be necessary, to furnish their valuable information services,

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

RESOLVES:

1. To terminate the activities of the Investigating Committee of the Council, acting provisionally as Organ of Consultation.

2. To establish a Special Committee of the Council, acting provisionally as Organ of Consultation, to be composed of nine members,[1] for the purpose of offering its cooperation to the Representatives of the Governments of Costa Rica and Nicaragua in carrying out the pertinent provisions of Resolution II approved today, especially with regard to the preparation of the bilateral agreement set forth in the Pact of Amity, and the establishment of the Commission of Investigation and Conciliation contemplated in the American Treaty on Pacific Settlement.

3. To recommend to the Special Committee of the Council that it maintain military observers so that the service of military observation that has been furnished heretofore may continue without interruption.[2/]

4. To thank the Governments of Costa Rica and Nicaragua for the assistance they have given to the Investigating Committee and to express the confidence that they will likewise aid the work of the Committee that will be established by virtue of this resolution.

6. Council of the OAS Acting Provisionally as Organ of Consultation, 1957*

Resolution of July 5, 1957

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

HAVING SEEN

The report of the Ad Hoc Committee charged with collaborating with the governments of Honduras and Nicaragua in accordance with the resolutions approved on May 17 and May 24, 1957, by this Council, acting provisionally as Organ of Consultation; and

CONSIDERING:

That the regional system has demonstrated its effectiveness in carrying out its noble purpose of guaranteeing the sovereignty and independence of the American republics and fraternal relations between them;

That, in accordance with the letter and the spirit of the Inter-American Treaty of Reciprocal Assistance - the Rio Treaty - the application of this instrument should lead not only to the elimination of any armed conflict but also to the promotion of measures for the pacific settlement of the controversy that is considered to have given rise to such a situation;

That the American Treaty on Pacific Settlement - the Pact of Bogotá - which has been ratified by the governments of Honduras and Nicaragua, provides procedures that are applicable to the case under consideration; and

Pursuant to, and in execution of, the Rio Treaty,

RESOLVES:

1. To express its satisfaction at the voluntary and simultaneous acceptance by the governments of Honduras and Nicaragua of the procedure of pacific settlement that, with the collaboration of the Ad Hoc Committee, was subscribed to by both parties, and the text of which is as follows:

THE HIGH CONTRACTING PARTIES,

FOLLOWING the recommendations of the Council of the Organization of American States, acting provisionally as Organ of Consultation, which were actuated by the provisions of the Inter-American Treaty of Reciprocal Assistance that are applicable to controversies between American states, which provisions urge such states to take the necessary measures to reestablish peace and settle their controversies by pacific means; and

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*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume I, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973

DESIROUS of re-establishing as soon as possible the harmonious fraternal relations that are a traditional characteristic of relations between the American republics and particularly between countries that, like those of Central America, consider themselves to be linked by historic ties of solidarity,

AGREE to carry out, through the application of the American Treaty on Pacific Settlement - the Pact of Bogotá - and for the purpose of settling once and for all the difference that is separating them at this time, the judicial procedure outlined below:

(1) The Parties, having recognized and accepted in the Pact of Bogotá the jurisdiction of the International Court of Justice as ipso facto compulsory, shall submit thereto the disagreement existing between them with respect to the Arbitral Award handed down by His Majesty the King of Spain on December 23, 1906, with the understanding that each, within the framework of its sovereignty, shall present such facets of the matter in disagreement as it deems pertinent.

(2) The procedure to be followed by the Court shall be that established in its Statutes and Rules of Procedure.

(3) The decision, after having been duly pronounced and officially announced to the parties, shall decide the disagreement definitively and without right of appeal, and shall be carried out without delay.

(4) If one of the High Contracting Parties should fail to comply with the obligations imposed upon it by the decision of the International Court of Justice, the other, before having recourse to the United Nations Security Council, shall request a Meeting of Consultation of Ministers of Foreign Affairs of the American States to decide upon all the measures that it is appropriate to take to enable the decision of the Court to be carried out.

(5) If, as a result of the application of the aforementioned judicial procedure, all phases of the disagreement with respect to the Arbitral Award handed down by His Majesty the King of Spain on December 23, 1906, are not definitively settled, the High Parties shall, without delay, apply the arbitral procedure provided by the aforesaid Pact of Bogotá to settle definitively the new situation created between them, which shall be clearly defined in the additional agreement that the High Parties are to sign to this end within a period of three months from the date they are officially notified of the decision.

(6) In accepting the procedure set forth in this instrument and the pertinent application of the Pact of Bogotá to the case here considered, the High Contracting Party that made a reservation to the aforesaid international agreement declares that the aforesaid reservation shall not take effect.

2. To express its appreciation to the governments concerned for the active and effective cooperation they gave to the Council, acting provisionally as Organ of Consultation, and the Ad Hoc Committee, to enable the procedural agreement whose text has been quoted in the preceding paragraph to be reached.

3. To request the governments of Honduras and Nicaragua to maintain the present status quo, without thereby altering any of the legitimate rights claimed by both Parties, until a definitive settlement of the controversy is achieved by the application of rules of law and without at any time disrupting the peace between the Parties.

4. To state that the Honduran-Nicaraguan Joint Military Committee is empowered to deal with any differences that might arise during the period

mentioned in the preceding paragraph, with respect to the agreement referred to in its current regulations.

5. To transmit this document with each Party's note of acceptance to the Secretary-General of the United Nations and, through him, to the International Court of Justice.

6. To express its strong hope that the procedure set forth in the first paragraph of this resolution will settle, once and for all, the disagreement that has temporarily separated two countries like Honduras and Nicaragua, which are linked in a very special way by geographic and historic ties and called upon by destiny to maintain and strengthen their cordial relations in this important region of the Americas.

7. Fifth Meeting of Consultation of Ministers of Foreign Affairs, Santiago, Chile, Aug. 12-18, 1959*

I

THE DECLARATION OF SANTIAGO, CHILE

The Fifth Meeting of Consultation of Ministers of Foreign Affairs,

EXPRESSING the general aspiration of the American peoples to live in peace under the protection of democratic institutions, free from all intervention and all totalitarian influence; and

WHEREAS:

The faith of the peoples of America in the effective exercise of representative democracy is the best vehicle for the promotion of their social and political progress (Resolution XCV of the Tenth Inter-American Conference), while well-planned and intensive development of the economies of the American countries and improvement in the standard of living of their peoples represent the best and firmest foundation on which the practical exercise of democracy and the stabilization of their institutions can be established (Resolutions of the Special Committee to Study the Formulation of New Measures for Economic Cooperation);

In Resolution XXXII, the Ninth International Conference of American States, for the purpose of safeguarding peace and maintaining mutual respect among states, resolved, among other things, to reaffirm their decision to maintain and further an effective social and economic policy for the purpose of raising the standard of living of their peoples, and their conviction that only under a system founded upon a guarantee of the essential freedoms and rights of the individual is it possible to attain this goal; and to condemn the methods of every system tending to suppress political and civil rights and liberties, and in particular the action of international communism or any other totalitarian doctrine;

In Resolution XCV, the Tenth Inter-American Conference resolved to unite the efforts of all the American States to apply, develop, and perfect the principles of the inter-American system, so that they would form the basis of firm and solidary action designed to attain, within a short time, the effective realization of the representative democratic system, the rule of social justice and security, and the economic and cultural cooperation essential to the mutual well-being and prosperity of the peoples of the Continent;

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*Source: Meetings of Consultation of Ministers of Foreign Affairs, Collection of Final Acts, Volume I, General Secretariat of the OAS, 1984

Harmony among the American republics can be effective only insofar as human rights and fundamental freedoms and the exercise of representative democracy are a reality within each one of them, since experience has demonstrated that the lack of respect for such principles is a source of widespread disturbance and gives rise to emigrations that cause frequent and grave political tensions between the state that they leave and the states that receive them;

The existence of anti-democratic regimes constitutes a violation of the principles on which the Organization of American States is founded, and a danger to united and peaceful relationships in the hemisphere; and

It is advisable to state, with no attempt to be complete, some of the principles and attributes of the democratic system in this hemisphere, so as to permit national and international public opinion to gauge the degree of identification of political regimes and governments with that system, thus contributing to the eradication of forms of dictatorship, despotism, or tyranny, without weakening respect for the right of peoples freely to choose their own form of government,

DECLARES:

1. The principle of the rule of law should be assured by the separation of powers, and by the control of the legality of governmental acts by competent organs of the state.

2. The governments of the American republics should be the result of free elections.

3. Perpetuation in power, or the exercise of power without a fixed term and with the manifest intent of perpetuation, is incompatible with the effective exercise of democracy.

4. The governments of the American states should maintain a system of freedom for the individual and of social justice based on respect for fundamental human rights.

5. The human rights incorporated into the legislation of the American states should be protected by effective judicial procedures.

6. The systematic use of political prescription is contrary to American democratic order.

7. Freedom of the press, radio, and television, and, in general, freedom of information and expression, are essential conditions for the existence of a democratic regime.

8. The American states, in order to strengthen democratic institutions, should cooperate among themselves within the limits of their resources and the framework of their laws so as to strengthen and develop their economic structure, and achieve just and humane living conditions for their peoples; and

RESOLVES:

That this declaration shall be known as "The Declaration of Santiago, Chile."[4]

II

STRENGTHENING PEACE AND PERFECTING AMERICAN SOLIDARITY

WHEREAS:

International tension exists between certain countries of the hemisphere;

The strengthening of the peace and security of the hemisphere is first among the purposes of the Organization of American States;

International order consists essentially of respect for and the faithful fulfillment of obligations derived from treaties and other sources of international law;

A fundamental principle of American international law is that no state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state; and

The reaffirmation and the observance of the principle of nonintervention, incorporated in Article 15 of the Charter of the Organization of American States, are not designed or intended to encourage, assist, or defend, or to attack or undermine, in any sense, any specific regime, its fundamental aim being to safeguard the sovereignty and the independence of the states and the free determination of the peoples, as consecrated by centuries of historical development and experience,

The Fifth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

1. To call upon the peoples and the governments of the Americas to avoid, in a spirit of peace and good will, any attitude that might jeopardize peace and security in order to make possible the reestablishment of hemispheric harmony.

2. To recommend to all the member states of the Organization of American States the strict observance of the principle of nonintervention and rigorous fulfillment of the obligations derived from those juridical instruments of American international law that are in force and are designed to preserve the independence and the sovereignty of the states.

III

STUDY ON THE JURIDICAL RELATIONSHIP BETWEEN RESPECT FOR HUMAN RIGHTS AND THE EFFECTIVE EXERCISE OF REPRESENTATIVE DEMOCRACY

The Fifth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

To entrust to the Inter-American Council of Jurists the study of the possible juridical relationship between respect for human rights and the effective exercise of representative democracy, and the right to set in motion the machinery of American international law in force.

IV

INTER-AMERICAN PEACE COMMITTEE

The Fifth Meeting of Consultation of Ministers of Foreign Affairs,

CONSIDERING:

The purposes for which this Meeting of Consultation has been convoked; and

That the Inter-American Peace Committee is a permanent entity and an appropriate one for assisting in the realization of the aforesaid purposes, in the manner established in this resolution,

RESOLVES:

1. To entrust to the Inter-American Peace Committee the study of the questions that were the subject of the convocation of this Meeting, without prejudice to the specific competency of other agencies, and to this end it shall examine:

   a. Methods and procedures to prevent any activities from abroad designed to overthrow established governments or provoke instances of intervention or aggression as contemplated in instruments such as the Convention on Duties and Rights of States in the Event of Civil Strife, without impairment to: (i) the rights and liberties of political exiles recognized in the Convention on Territorial Asylum; (ii) the American Declaration of the Rights and Duties of Man; and (iii) the national constitutions of the American states;

   b. The relationship between violations of human rights or the nonexercise of representative democracy, on the one hand, and the political tensions that affect the peace of the hemisphere, on the other; and

   c. The relationship between economic underdevelopment and political instability.

2. In the performance of its duties the Committee may, at the request of governments or on its own initiative, take action in regard to the subject matter referred to in paragraph 1, its action in either case being subject to the express consent of the states to investigations that are to be made in their respective territories.

3. The Committee shall immediately initiate broad studies on the questions to which paragraph 1 of this resolution refers, except in those situations governed by other international instruments, and it shall prepare a preliminary report so that the American governments may formulate their observations. This report shall be followed by a definitive report, which shall be presented at the Eleventh Inter-American Conference or, if so indicated, to the Meeting of Consultation of Ministers of Foreign Affairs, so that any pertinent decisions may be made.

4. The new powers that this resolution grants temporarily to the Inter-American Peace Committee shall be effective until the close of the Eleventh Inter-American Conference, which shall make the decision as to their definitive inclusion in the statutes of the said Committee.

V

STUDY BY THE INTER-AMERICAN JURIDICAL COMMITTEE OF THE DRAFT DECLARATION OF MEXICO ON NONINTERVENTION

The Fifth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

To transmit to the Inter-American Juridical Committee of Rio de Janeiro the draft declaration on nonintervention presented by the Delegation of Mexico (Document 41) for its study and a report on the juridical aspect of the declaration contained therein.

VI

STUDY BY THE INTER-AMERICAN JURIDICAL COMMITTEE OF THE PROPOSAL OF ECUADOR CONCERNING THE INTER-AMERICAN PEACE COMMITTEE

The Fifth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

To transmit the draft Resolution on the Inter-American Peace Committee presented by the Delegation of Ecuador (Document 31) to the Inter-American Juridical Committee of Rio de Janeiro for its study and a report.

VII

PREPARATION OF AN INSTRUMENT ON CASES OF VIOLATION OF THE PRINCIPLE OF NONINTERVENTION

WHEREAS:

The strict observance, by the American republics, of the contractual obligations not to intervene in the internal or external affairs of other states will contribute to the more effective achievement of an order of peace and justice, in the pursuit of which the American states established their regional organization; and

To facilitate such observance, it would be advisable to set forth in precise terms the substance of the principle of nonintervention by defining cases that constitute violation of the aforesaid principle and to study the possibility of establishing adequate procedures to prevent violations of this fundamental rule of American international law,

The Fifth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

1. To recommend to the Council of the Organization of American States that it have prepared, by the agency deemed most appropriate:

    a. A draft instrument listing the greatest possible number of cases that constitute violations of the principle of nonintervention; and

b. A report on the possibility of establishing adequate procedures to ensure, without constituting intervention in the internal or external affairs of states, strict observance of the principle of nonintervention.

2. The aforesaid draft and report shall be transmitted by the Council of the Organization to the governments of the member states for their information and for any observations they may wish to make and shall be included on the Agenda of the Eleventh Inter-American Conference.

VIII

HUMAN RIGHTS

WHEREAS:

In the preamble to the Charter of the Organization of American States it is stated: "Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man";

The furtherance of those rights is a part of the fundamental aims of solidarity of the American states, as set forth in the preambles to the Inter-American Treaty of Reciprocal Assistance and to the Charter of the Organization of American States, and is one of the means for achieving solidarity, as asserted as a precept in Article 5.j of the Charter and Resolution XXXII of the Ninth International Conference of American States;

In various instruments of the Organization of American States there has been set forth and repeated the rule that liberty, justice, and peace are based on recognition of the inherent dignity and the equal and inalienable rights of the individual;

It has been considered essential, as a fundamental corollary to this rule, that such rights be protected by a juridical system, so that men will not be driven to the extreme expedient of revolt against tyranny and oppression; and

The American states have constantly demanded in the United Nations the urgent approval of the covenants on civil and political rights and on economic, social, and cultural rights, which will give world-wide application to the 1948 Universal Declaration of Human Rights,

The Fifth Meeting of Consultation of Ministers of Foreign Affairs

DECLARES:

That eleven years after the proclamation of the American Declaration of the Rights and Duties of Man—progress having been made during the same period in both the United Nations and the union known as the Council of Europe, in the codification and methodical study of this field until today a satisfactory and promising point has been reached—the climate in this hemisphere is favorable to the conclusion of a convention; and therefore

RESOLVES:

I

1. That the Inter-American Council of Jurists proceed to prepare, at its Fourth Meeting, a draft Convention on Human Rights, referring this task, if it should not itself accomplish it, to the Council of the Organization of American States, which shall commission for this purpose the Inter-

American Juridical Committee, or the entity it considers appropriate; and that it likewise proceed to prepare a draft convention or draft conventions on the Creation of an Inter-American Court for the Protection of Human Rights and of other organizations appropriate for the protection and observance of those rights.

2. That the aforesaid drafts be submitted to the Eleventh Inter-American Conference and be transmitted to the governments 60 days prior to the opening of the Conference.

II

To create an Inter-American Commission on Human Rights, composed of seven members elected, as individuals, by the Council of the Organization of American States from panels of three names presented by the governments. The Commission, which shall be organized by the Council of the Organization and have the specific functions that the Council assigns to it, shall be charged with furthering respect for such rights.

IX

EFFECTIVE EXERCISE OF REPRESENTATIVE DEMOCRACY

WHEREAS:

Article 5.d of the Charter of the Organization of American States declares: "The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy,"

The Fifth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

1. To entrust to the Council of the Organization of American States the preparation, in cooperation with the technical bodies of the Organization and taking into consideration the views of the governments of the American states, of a draft convention on the effective exercise of representative democracy, and the establishment of the procedure and measures applicable thereto.

2. In the preparation of the afore-mentioned draft, the Council shall bear in mind the fact that the results of its work will be submitted, together with a report, to the Eleventh Inter-American Conference.

X

APPOINTMENT OF OBSERVERS TO ELECTIONS OF HIGH AUTHORITIES

The Fifth Meeting of Consultation of Ministers of Foreign Affairs

AGREES:

That the draft text presented by the delegation of Nicaragua on the appointment of observers to elections of high authorities (Document 42) be transmitted to the Council of the Organization of American States, in order that the Council may study it and submit a report thereon to the Eleventh Inter-American Conference.

XI

ECONOMIC UNDERDEVELOPMENT AND PRESERVATION OF DEMOCRACY

WHEREAS:

An objective evaluation of the contributory causes of the political instability of certain Latin American countries cannot fail to show that among these causes is included economic underdevelopment;

Such economic underdevelopment affects, to a greater or lesser degree, all the American countries and therefore constitutes one of the dangers to the security and liberty of the peoples of the Americas;

Resolution XXXII of the Ninth International Conference of American States proclaimed that the countries represented there were determined, in order to defend and preserve democracy in the Americas, "to maintain and further an effective social and economic policy for the purpose of raising the standard of living of their peoples";

The Fourth Meeting of Consultation of Ministers of Foreign Affairs considered it essential, for the preservation of democracy, that measures of collective defense and provisions for internal security be combined with other measures designed to promote economic and social well-being;

Article 5 of the Charter of the Organization of American States declares that "economic cooperation is essential to the common welfare and prosperity of the peoples of the Continent";

Under Article 28 of the Charter the American republics have agreed to "cooperate with one another to achieve just and decent living conditions for their entire populations";

The American Declaration of the Rights and Duties of Man, approved at the Ninth International Conference of American States, recognizes that every person has the right, among other rights, to health, to well-being, to education, to the benefits of culture, to work that is justly remunerated, and to social security, rights that in a large part of the Americas are still little effective, principally because of the poverty of the peoples;

In order that Latin America may achieve a rate of economic development that will enable it to keep pace with the rapid increase of its population, inter-American cooperation should be directed toward the stabilization of markets and prices, the liberalization of international trade, and the stimulation of an adequate inflow of foreign capital and capital goods for a sufficient period of time to enable Latin America to increase its internal productivity, increase its earnings from exports, and thus improve the standard of living of its people;

Without prejudice to the indisputable value that the measures of inter-American economic cooperation have or may come to have—measures adopted so far and those being studied within the framework of Operation Pan America as a result of the informal meeting of Foreign Ministers held in Washington in September 1958 and of the two meetings held in Washington and Buenos Aires of the Special Committee to Study the Formulation of New Measures for Economic Cooperation—it is essential, in the light of the reasons expressed above, to intensify with the greatest urgency the collective efforts, already begun, to accelerate the rate of economic development of Latin America and to raise the standards of living of the peoples of the hemisphere; and

Decisions of the greatest importance to the economic development of the hemisphere are to be taken at the Eleventh Inter-American Conference,

9. Council of the OAS Acting Provisionally as Organ of Consultation, 1959*

Resolutions approved by the Council of the Organization of American States on July 28, 1959

I

APPOINTMENT OF A COMMITTEE TO PREPARE A DRAFT RESOLUTION

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION

RESOLVES:

To authorize the Chairman of the Council to appoint three members to a committee that will be entrusted with preparing a draft resolution to include the following points:

1. Termination of the provisional action of the Council as Organ of Consultation, in the Nicaragua case.
2. Appreciation to the Committee charged with compiling information on the matter, for the efficient work that was carried out to the satisfaction of the Council.

Note: The Representatives of Argentina, Chile, and El Salvador were appointed to the Committee.

*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume I, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973

10. Sixth Meeting of Consultation of Ministers of Foreign Affairs, San Jose, Costa Rica, Aug. 16-21, 1960*

RESOLUTION I

The Sixth Meeting of Consultation of Ministers of Foreign Affairs Serving as Organ of Consultation in application of the Inter-American Treaty of Reciprocal Assistance,

HAVING SEEN the Report of the Investigating Committee appointed pursuant to the provisions of the third paragraph of the resolution approved by the Council of the Organization of American States on July 8, 1960, and

CONSIDERING:

That the Charter of the Organization of American States sets forth the principle that international order consists essentially of respect for the personality, sovereignty and independence of states, and the faithful fulfillment of obligations derived from treaties and other sources of international law;

*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume II, Prepared by the Department of legal Affairs, General Secretariat, OAS, 1973

The Fifth Meeting of Consultation of Ministers of Foreign Affairs

DECLARES:

That the stability of democracy, the safeguarding of human rights, the security of the hemisphere, and its preservation from the dangers that threaten the liberty and the independence of the American republics make necessary an increase in economic cooperation among them, in order to raise the standard of living of a rapidly expanding population; and

RESOLVES:

To recommend that, in view of the forthcoming Eleventh Inter-American Conference, the American governments exert every effort to the end that the Council of the Organization of American States and the other organizations whose action is necessary may promptly and effectively implement the measures proposed by the Special Committee to Study the Formulation of New Measures for Economic Cooperation already approved by the Council of the Organization and designed to establish new bases for economic cooperation among the American states.

XII

REDUCTION OF EXCESSIVE MILITARY EXPENDITURES

WHEREAS:

Economic, social, and cultural development is an important factor not only for the stability of representative democracy, but also for the respect for human rights; and

Excessive military expenditures signify a reduction in the resources required to raise the general standard of living of the peoples,

The Fifth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

To urge the governments of the American states to study the problem of military expenditures in order that, should these be excessive in relation to the requirements of national and hemispheric defense, they may gradually and progressively reduce them.

8. Council of the OAS Acting Provisionally as Organ of Consultation, 1959*

Resolutions approved by the Council of the Organization of American States on June 18, 1959

A

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

HAVING SEEN the report of the Investigating Committee appointed pursuant to paragraph 4 of the resolution approved by the Council on April 28, 1959; and

CONSIDERING:

That it is important for an effective and complete supervision to be exercised by the governments of the member states of the Organization of

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*Source: Inter-American Treat of Reciprocal Assistance, Applications, Volume I, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973

American States, in order to prevent any armed undertaking or expedition against another American state from being organised in the areas under their respective jurisdictions, or from crossing the boundary of or embarking for that state,

RESOLVES:

1. To recommend to the governments of the member states of the Organization of American States that they study and, if they deem it necessary, strengthen the measures that they are now applying in their respective territories to prevent situations like that which has affected the Republic of Panama.

2. To recommend also to those governments that have not yet become parties to the 1928 Convention of Havana on Duties and Rights of States in the Event of Civil Strife, or to the 1957 Protocol thereto, that they consider the advisability of doing so in the near future.

B

WHEREAS:

The situation that motivated the convocation of the Organ of Consultation on April 28, 1959, no longer exists,

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

RESOLVES:

1. To cancel the convocation of the Meeting of Consultation of Ministers of Foreign Affairs that was made, pursuant to the Inter-American Treaty of Reciprocal Assistance, by the April 28, 1959, resolution of the Council of the Organization; and, in consequence, to consider terminated the provisional action of the Council as Organ of Consultation.

2. To inform the Security Council of the United Nations of the text of this Resolution.

C

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

HAVING SEEN the report of the Investigating Committee appointed pursuant to paragraph 4 of the resolution approved by the Council on April 28, 1959,

RESOLVES:

To express its sincere appreciation to the Investigating Committee, composed of Ambassadors Fernando Lobo, Brazil, Chairman; John C. Dreier, United States, Vice-Chairman; Juan Plate, Paraguay; César Barros Hurtado, Argentina; and Minister Jorge Hazera, Costa Rica, for the valuable services rendered in the accomplishment of the important mission entrusted to them. To express, also, the same sentiments to the diplomatic and military advisers who accompanied the Committee, to the secretariat staff, and, in general, to the American governments who offered or sent armed contingents for the maintenance of peace and security in the case reported by the Government of Panama.

That in connection with the incident denounced by the Government of Venezuela before the Inter-American Peace Committee on November 25, 1959, that organ of the inter-American system reached the conclusion that "the necessary arrangements to carry out the flight from Ciudad Trujillo to Aruba -- planned for the purpose of dropping leaflets over a Venezuelan city -- and to load these leaflets in Ciudad Trujillo, could not have been carried out without the connivance of the Dominican authorities";

That the Committee of the Council of the Organization of American States acting provisionally as Organ of Consultation that was entrusted with the investigation of the acts denounced by the Government of Venezuela, reached the conclusion that the Government of the Dominican Republic issued diplomatic passports to be used by Venezuelans who participated in the military uprising that took place in April 1960 in San Cristóbal, Venezuela;

That the Committee of the Council of the Organization of American States acting provisionally as Organ of Consultation, which was charged with the investigation of the acts denounced by the Government of the Republic of Venezuela, also reached the conclusions that:

1. The attempt against the life of the President of Venezuela perpetrated on June 24, 1960, was part of a plot intended to overthrow the Government of that country.

2. The persons implicated in the aforementioned attempt and plot received moral support and material assistance from high officials of the Government of the Dominican Republic.

3. This assistance consisted principally of providing the persons implicated facilities to travel and to enter and reside in Dominican territory in connection with their subversive plans; of having facilitated the two flights of the plane of Venezuelan registry to and from the Military Air Base of San Isidro, Dominican Republic; of providing arms for use in the coup against the Government of Venezuela and the electronic device and the explosive which were used in the attempt; as well as of having instructed the person who caused the explosion in the operation of the electronic device of that explosive and of having demonstrated to him the destructive force of the same.

That the aforementioned actions constitute acts of intervention and aggression against the Republic of Venezuela, which affect the sovereignty of that state and endanger the peace of America; and

That in the present case collective action is justified under the provisions of Article 19 of the Charter of the Organization of American States,

RESOLVES:

To condemn emphatically the participation of the Government of the Dominican Republic in the acts of aggression and intervention against the State of Venezuela that culminated in the attempt on the life of the President of that country, and, as a consequence, in accordance with the provisions of Articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance,

AGREES:

1. To apply the following measures:

    a. Breaking of diplomatic relations of all the member states with the Dominican Republic;

b. Partial interruption of economic relations of all the member states with the Dominican Republic, beginning with the immediate suspension of trade in arms and implements of war of every kind. The Council of the Organization of American States, in accordance with the circumstances and with due consideration for the constitutional or legal limitations of each and every one of the member states, shall study the feasibility and desirability of extending the suspension of trade with the Dominican Republic to other articles.

2. To authorize the Council of the Organization of American States to discontinue, by a two-thirds affirmative vote of its members, the measures adopted in this resolution, at such time as the Government of the Dominican Republic should cease to constitute a danger to the peace and security of the hemisphere.

3. To authorize the Secretary General of the Organization of American States to transmit to the Security Council of the United Nations full information concerning the measures agreed upon in this resolution. [1]

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[1] In accordance with Article 18 of the Inter-American Treaty of Reciprocal Assistance, Venezuela and the Dominican Republic did not vote on Resolution I since they were the interested Parties.

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,

MINDFUL of the terms of paragraph 1 (b) of Resolution I of the Sixth Meeting of Consultation of Ministers of Foreign Affairs, and

HAVING SEEN the first report of the Special Committee to carry out the said resolution,

RESOLVES:

1. To state that it is feasible and desirable that the member states of the Organization who signed the Final Act of the Sixth Meeting of Consultation of Ministers of Foreign Affairs extend the suspension of their trade with the Dominican Republic to the exportation of the following items:

a. Petroleum and petroleum products
b. Trucks and spare parts

2. To request the member states, in connection with the preceding paragraph, to take measures to prevent the re-export of the items mentioned from their territory to the Dominican Republic.

3. To request the governments of the member states to inform the Chairman of the Council of the Organization regarding the measures they take with respect to this resolution, in order that this Council and the Security Council of the United Nations may be kept informed in the matter.

11. Seventh Meeting of Consultation of Ministers of Foreign Affairs, San Jose, Costa Rica, Aug. 22-29, 1960*

Final Act of the 7th Meeting of Consultation of Ministers of Foreign Affairs, San José, August 22-29, 1960 (Extracts)

I

THE DECLARATION OF SAN JOSE, COSTA RICA

The Seventh Meeting of Consultation of Ministers of Foreign Affairs

1. Condemns energetically the intervention or the threat of intervention, even when conditional, by an extracontinental power in the affairs of the American republics and declares that the acceptance of a threat of extracontinental intervention by any American state endangers American solidarity and security, and

*Source: Collective Security and the Inter-American System, Office of the Historian, United States Department of State, Bureau of Public Affairs, 1985

that this obliges the Organization of American States to disapprove it and reject it with equal vigor.

2. Rejects, also, the attempt of the Sino-Soviet powers to make use of the political, economic, or social situation of any American state, inasmuch as that attempt is capable of destroying hemispheric unity and endangering the peace and security of the hemisphere.

3. Reaffirms the principle of nonintervention by any American state in the internal or external affairs of the other American states, and reiterates that each state has the right to develop its cultural, political, and economic life freely and naturally, respecting the rights of the individual and the principles of universal morality, and as a consequence, no American state may intervene for the purpose of imposing upon another American state its ideologies or its political, economic, or social principles.

4. Reaffirms that the inter-American system is incompatible with any form of totalitarianism and that democracy will achieve the full scope of its objectives in the hemisphere only when all the American republics conduct themselves in accordance with the principles stated in the Declaration of Santiago, Chile, approved at the Fifth Meeting of Consultation of Ministers of Foreign Affairs, the observance of which it recommends as soon as possible.

5. Proclaims that all member states of the regional organization are under obligation to submit to the discipline of the inter-American system, voluntarily and freely agreed upon, and that the soundest guarantee of their sovereignty and their political independence stems from compliance with the provisions of the Charter of the Organization of American States.

6. Declares that all controversies between member states should be resolved by the measures for peaceful solution that are contemplated in the inter-American system.

7. Reaffirms its faith in the regional system and its confidence in the Organization of American States, created to achieve an order of peace and justice that excludes any possible aggression, to promote solidarity among its members, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their political independence, since it is in this Organization that its members find the best guarantee for their evolution and development.

8. Resolves that this declaration shall be known as "The Declaration of San José, Costa Rica."

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V

ADDITIONAL PROTOCOL ON ECONOMIC ASSISTANCE TO THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE

WHEREAS:

Economic security, which is indispensable to the progress of all the American peoples, is the best guarantee of the political security of the hemisphere and of the success of the joint effort of the American states for the maintenance of continental peace;

The obligation of economic cooperation among the American states is essential to the strengthening of hemisphere solidarity and the reinforcement of the inter-American system in the face of threats of intervention that might affect it politically or economically;

The solution to the problem of underdevelopment in the hemisphere is of vital interest to the collective security of the West;

In accordance with the basic concepts of Operation Pan America, the defense of the permanent values of Pan Americanism calls for an unbreakable collective decision to revitalize economic cooperation;

The Inter-American Conference for the Maintenance of Continental Peace and Security, held in Rio de Janeiro in 1947, served to emphasize the close relationship between the problems of economic security and those of collective security;

This close relationship was expressed in Resolution IX of the Conference, which nevertheless did not accomplish the high purposes which it was designed to serve; and

The obligations undertaken by the American states under the Inter-American Treaty of Reciprocal Assistance cannot be effectively carried out by economically weak countries,

The Seventh Meeting of Consultation of Ministers of Foreign Affairs

DECLARES:

That the advancement of the economic development of the American countries is inseparable from the system of continental security, and should be an essential part of the strategic concept of Western defense;

RECOGNIZES:

The urgent and essential need for the American countries to have an "Additional Protocol on Economic Assistance to the Inter-American Treaty of Reciprocal Assistance," which would make more explicit the obligations of economic cooperation set forth in the Charter of the Organization of American States and establish adequate means for their effective fulfillment, with a view to strengthening hemisphere solidarity and the inter-American system in the face of threats of intervention that might affect them; and

RESOLVES:

To entrust to the Council of the Organization of American States the preparation, in consultation with the governments, of a draft "Additional Protocol on Economic Assistance to the Inter-American Treaty of Reciprocal Assistance," with a view to strengthening continental solidarity and the inter-American system in the face of threats of intervention, having in mind the postulates and considerations set forth in the present resolution.

12. Eighth Meeting of Consultation of Ministers of Foreign Affairs, Punta del Este, Uruguay, Jan. 22-31, 1962*

I

COMMUNIST OFFENSIVE IN AMERICA

1. The Ministers of Foreign Affairs of the American republics, convened in their Eighth Meeting of Consultation, declare that the continental unity and the democratic institutions of the hemisphere are now in danger.

The Ministers have been able to verify that the subversive offensive of communist governments, their agents and the organizations which they control, has increased in intensity. The purpose of this offensive is the destruction of democratic institutions and the establishment of totalitarian dictatorships at the service of extracontinental powers. The outstanding facts in this intensified offensive are the declarations set forth in official documents of the directing bodies of the international communist movement, that one of its principal objectives is the establishment of communist regimes in the underdeveloped countries and in Latin America; and the existence of a Marxist-Leninist government in Cuba which is publicly aligned with the doctrine and foreign policy of the communist powers.

*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume II, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973

2. In order to achieve their subversive purposes and hide their true intentions, the communist governments and their agents exploit the legitimate needs of the less-favored sectors of the population and the just national aspirations of the various peoples. With the pretext of defending popular interests, freedom is suppressed, democratic institutions are destroyed, human rights are violated and the individual is subjected to materialistic ways of life imposed by the dictatorship of a single party. Under the slogan of "anti-imperialism" they try to establish an oppressive, aggressive imperialism which subordinates the subjugated nations to the militaristic and aggressive interests of extracontinental powers. By maliciously utilizing the very principles of the inter-American system, they attempt to undermine democratic institutions and to strengthen and protect political penetration and aggression. The subversive methods of communist governments and their agents constitute one of the most subtle and dangerous forms of intervention in the internal affairs of other countries.

3. The Ministers of Foreign Affairs alert the peoples of the hemisphere to the intensification of the subversive offensive of communist governments, their agents, and the organizations that they control and to the tactics and methods that they employ and also warn them of the dangers this situation represents to representative democracy, to respect for human rights, and to the self-determination of peoples.

The principles of communism are incompatible with the principles of the inter-American system.

4. Convinced that the integrity of the democratic revolution of the American states can and must be preserved in the face of the subversive offensive of communism, the Ministers of Foreign Affairs proclaim the following basic political principles:

a. The faith of the American peoples in human rights, liberty, and national independence as a fundamental reason for their existence, as conceived by the founding fathers who destroyed colonialism and brought the American republics into being;

b. The principle of nonintervention and the right of peoples to organize their way of life freely in the political, economic, and cultural spheres, expressing their will through free elections, without foreign interference. The fallacies of communist propaganda cannot and should not obscure or hide the difference in philosophy which these principles represent when they are expressed by a democractic American country, and when communist governments and their agents attempt to utilize them for their own benefit;

c. The repudiation of repressive measures which, under the pretext of isolating or combatting communism, may facilitate the appearance or strengtheningof reactionary doctrines and methods which attempt to repress ideas of social progress and to confuse truly progressive and democratic labor organizations and cultural and political movements with communist subversion;

d. The affirmation that communism is not the way to achieve economic development and the elimination of social injustice in America. On the contrary, a democratic regime can encompass all the efforts for economic advancement and all of the measures for improvement and social progress without sacrificing the fundamental values of the human being. The mission of the peoples and governments of the hemisphere during the present generation is to achieve an accelerated development of their economies and to put an end to poverty, injustice, illness, and ignorance as was agreed in the Charter of Punta del Este; and

e. The most essential contribution of each American state in the collective effort to protect the inter-American system against communism is a steadily greater respect for human rights, improvement in democratic institutions and practices, and the adoption of measures that truly express the impulse for a revolutionary change in the economic and social structures of the American republics.

II

SPECIAL CONSULTATIVE COMMITTEE ON SECURITY AGAINST THE SUBVERSIVE ACTION OF INTERNATIONAL COMMUNISM

WHEREAS:

International communism makes use of highly complex techniques of subversion, and in the task of counteracting such techniques certain states may benefit from mutual advice and support;

The American states are firmly united for the common goal of fighting the subversive action of international communism and for the preservation of democracy in the Americas, as expressed in Resolution XXXII of the Ninth International Conference of American States, held in Bogotá, in 1948, and that for such purpose they can and should assist each other, mainly through the use of the institutional resources of the Organization of American States; and

It is advisable, therefore, to make available to the Council of the Organization of American States a body of an advisory nature, made up of experts, the main purpose of which would be to advise the member governments which, as the case may be, require and request such assistance.

The Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance,

RESOLVES:

1. To request the Council of the Organization of American States to maintain all necessary vigilance, for the purpose of warning against any acts of aggression, subversion, or other dangers to peace and security, or the preparation of such acts, resulting from the continued intervention of Sino-Soviet powers in this hemisphere, and to make recommendations to the governments of the member states with regard thereto.

2. To direct the Council of the Organization to establish a Special Consultative Committee on Security,[1] composed of experts on security matters, for the purpose of advising the member states that may desire and request such assistance, the following procedures being observed:

a. The Council of the Organization shall select the membership of the Special Consultative Committee on Security from a list of candidates presented by the governments, and shall define immediately terms of reference for the Committee with a view to achieving the full purposes of this resolution.

b. The Committee shall submit reports to such member states as may request its assistance; however, it shall not publish these reports without obtaining express authorization from the state dealt with in the report.

c. The Special Consultative Committee on Security shall submit to the Council of the Organization, no later than May 1, 1962, an initial general report, with pertinent recommendations regarding measures which should be taken.

d. The Committee shall function at the Pan American Union, which shall extend to it the technical, administrative, and financial facilities required for the work of the Committee.

e. The Committee shall function for the period deemed advisable by the Council of the Organization.

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[1] This Committee was established by the Council of the OAS on March 8, 1962. It held its first meeting from April 2 to 30 of that year, during which it prepared its Initial General Report, presented to the Council in accordance with paragraph 2.c of this resolution. The Committee's Statutes were approved by the Council of the OAS on April 23, 1963.

3. To urge the member states to take those steps that they may consider appropriate for their individual or collective self-defense, and to cooperate, as may be necessary or desirable, to strengthen their capacity to counteract threats or acts of aggression, subversion, or other dangers to peace and security resulting from the continued intervention in this hemisphere of Sino-Soviet powers, in accordance with the obligations established in treaties and agreements such as the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance.

III

REITERATION OF THE PRINCIPLES OF NONINTERVENTION AND SELF-DETERMINATION

WHEREAS:

This Meeting has been convoked by a resolution of the Council of the Organization of American States that invoked Article 6 of the Inter-American Treaty of Reciprocal Assistance;

It is necessary to maintain the principles of nonintervention and self-determination set forth in the Charter of the Organization of American States, because these principles are a basic part of the juridical system that governs relations among the republics of the hemisphere and makes friendly relations among them possible;

In the Charter of the Organization of American States and in the Declaration of Santiago, signed in August 1959, all the governments of the American states agreed voluntarily that they should result from free elections;

The will of the people, expressed through unrestricted suffrage, assures the formation of governments that represent more faithfully and without yielding to the interests of a privileged few the basic aspirations to freedom and social justice, the constant need for economic progress, and the call of brotherhood that all our peoples feel throughout the hemisphere;

Formation by free elections of the governments that comprise the Organization of American States is therefore the surest guarantee for the peace of the hemisphere and the security and political independence of each and every one of the nations that comprise it; and

Freedom to contract obligations is an inseparable part of the principle of the self-determination of nations, and consequently a request by one or more countries that such obligations be complied with does not signify intervention,

The Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance

RESOLVES:

1. To reiterate its adherence to the principles of self-determination and nonintervention as guiding standards of relations among the American nations.

2. To urge that the governments of the member countries of the Organization of American States, bearing in mind the present situation, and complying with the principles and aims set forth in the Charter of the Organization and the Declaration of Santiago, organize themselves on the basis of free elections that express, without restriction, the will of the people.

IV

HOLDING OF FREE ELECTIONS

WHEREAS:

The preamble to the Charter of the Organization of American States proclaims that the true significance of American solidarity and good neighborliness can only mean the consolidation on this hemisphere, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man;

The same Charter reaffirms, among its principles, the requirement that the political organization of the American states be based on the effective exercise of representative democracy, even as it reasserts the fundamental rights of the individual;

The Charter confirms the right of each state to develop, freely and naturally, its cultural, political, and economic life, while respecting in this free development the rights of the individual and the principles of universal morality;

The Inter-American Treaty of Reciprocal Assistance affirms as a manifest truth, that juridical organization is a necessary prerequisite of security and peace, and that peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security; and

According to the principles and attributes of the democratic system in this hemisphere, as stated in the Declaration of Santiago, Chile, the governments of the American republics should be the result of free elections, and perpetuation in power, or the exercise of power without a fixed term and with the manifest intent of perpetuation, is incompatible with the effective exercise of democracy,

The Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance

RESOLVES:

To recommend that the governments of the American states whose structure or acts are incompatible with the effective exercise of representative democracy hold free elections in their respective countries, as the most effective means of consulting the sovereign will of their peoples, to guarantee the restoration of a legal order based on the authority of the law and respect for the rights of the individual.

V

ALLIANCE FOR PROGRESS

WHEREAS:

The American states have the capacity to eradicate the profound evils of economic and social underdevelopment;

Resolution XI of the Fifth Meeting of Consultation of Ministers of Foreign Affairs and Resolution V of the Seventh Meeting of Consultation of Ministers of Foreign Affairs declare that economic cooperation among the American states is necessary for the stability of democracy and the safeguarding of human rights, and that such cooperation is essential to the strengthening of the solidarity of the hemisphere and the reinforcement of the inter-American system in the face of threats that might affect it; and

In view of the fact that all the nations of the Americas have recognized their urgent need for economic and social development, it is necessary that they intensify immediately their self-help and cooperative efforts under the Alliance for Progress and the Charter of Punta del Este, on the basis of the adoption of vigorous reforms and large-scale internal efforts by the developing countries concerned and a mobilization of all the necessary financial and technical resources by the highly developed nations,

The Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance

DECLARES:

1. That the preservation and strengthening of free and democractic institutions in the American republics require, as an essential condition, the prompt, accelerated execution of an unprecedented effort to promote their economic and social development for which effort the public and private, domestic and foreign financial resources necessary to those objectives are to be made available, economic and social reforms are to be established, and every necessary internal effort is to be made in accordance with the provisions of the Charter of Punta del Este.

2. That it is essential to promote energetically and vigorously the basic industries of the Latin American countries, to liberalize trade in raw materials by the elimination of undue restrictions, to seek to avoid violent fluctuations in their prices, to encourage the modernization and expansion of services in order that industrialization may rest on its own appropriate bases, to mobilize unexploited natural resources in order to increase national wealth and to make such increased wealth available to persons of all economic and social groups, and to satisfy quickly, among other aspirations, the needs for work, housing, land, health, and education.

VI

EXCLUSION OF THE PRESENT GOVERNMENT OF CUBA FROM PARTICIPATION IN THE INTER-AMERICAN SYSTEM

WHEREAS:

The inter-American system is based on consistent adherence by its constituent states to certain objectives and principles of solidarity, set forth in the instruments that govern it;

Among these objectives and principles are those of respect for the freedom of man and preservation of his rights, the full exercise of representative democracy, nonintervention of one state in the internal or external affairs of another, and rejection of alliances and agreements that may lead to intervention in America by extracontinental powers;

The Seventh Meeting of Consultation of Ministers of Foreign Affairs, held in San José, Costa Rica, condemned the intervention or the threat of intervention of extracontinental communist powers in the hemisphere and reiterated the obligation of the American states to observe faithfully the principles of the regional organization;

The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental communist powers, including even the threat of military intervention in America on the part of the Soviet Union;

The Report of the Inter-American Peace Committee to the Eighth Meeting of Consultation of Ministers of Foreign Affairs establishes that:

> The present connections of the Government of Cuba with the Sino-Soviet bloc of countries are evidently incompatible with the principles and standards that govern the regional system, and particularly with the collective security established by the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance [page 39];

The abovementioned Report of the Inter-American Peace Committee also states that:

> It is evident that the ties of the Cuban Government with the Sino-Soviet bloc will prevent the said government from fulfilling the obligations stipulated in the Charter of the Organization and the Treaty of Reciprocal Assistance [page 40];

Such a situation in an American state violates the obligations inherent in membership in the regional system and is incompatible with that system;

The attitude adopted by the present Government of Cuba and its acceptance of military assistance offered by extracontinental communist powers breaks down the effective defense of the inter-American system; and

No member state of the inter-American system can claim the rights and privileges pertaining thereto if it denies or fails to recognize the corresponding obligations,

The Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance

DECLARES:

1. That, as a consequence of repeated acts, the present Government of Cuba has voluntarily placed itself outside the inter-American system.

2. That this situation demands unceasing vigilance on the part of the member states of the Organization of American States, which shall report to the Council any fact or situation that could endanger the peace and security of the hemisphere.

3. That the American states have a collective interest in strengthening the inter-American system and reuniting it on the basis of respect for human rights and the principles and objectives relative to the exercise of democracy set forth in the Charter of the Organization; and, therefore

RESOLVES:

1. That adherence by any member of the Organization of American States to Marxism-Leninism is incompatible with the inter-American system and the alignment of such a government with the communist bloc break the unity and solidarity of the hemisphere.

2. That the present Government of Cuba, which has officially identified itself as a Marxist-Leninist government, is incompatible with the principles and objectives of the inter-American system.

3. That this incompatibility excludes the present Government of Cuba from participation in the inter-American system.

4. That the Council of the Organization of American States and the other organs and organizations of the inter-American system adopt without delay the measures necessary to comply with this resolution.[1]

VII

INTER-AMERICAN DEFENSE BOARD

WHEREAS:

The Inter-American Defense Board was established pursuant to Resolution 39 of the Third Meeting of Consultation of Foreign Ministers, held in Rio de Janeiro in 1942, recommending the immediate meeting of a commission composed of military and naval technicians appointed by each of the governments to study and to suggest to them measures necessary for the defense of the hemisphere;

The Inter-American Defense Board, on April 26, 1961, resolved that the participation of the Cuban regime in defense planning is highly prejudicial to the work of the Board and to the security of the hemisphere; and

The present Government of Cuba is identified with the aims and policies of the Sino-Soviet bloc,

The Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance

RESOLVES:

To exclude immediately the present Government of Cuba from the Inter-American Defense Board until the Council of the Organization of American States shall determine by a vote of two thirds of its members that membership of the Government of Cuba is not prejudicial to the work of the Board or to the security of the hemisphere.

VIII

ECONOMIC RELATIONS

WHEREAS:

The Report of the Inter-American Peace Committee to the Eighth Meeting of Consultation of Ministers of Foreign Affairs states, with regard to the intense subversive activity in which the countries of the Sino-Soviet bloc and the Cuban Government are engaged in America, that such activity constitutes "a serious violation of fundamental principles of the inter-American system"; and,

During the past three years 13 American states have found it necessary to break diplomatic relations with the present Government of Cuba,

The Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance

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[1] The Council of the OAS took cognizance of this Resolution during the meeting held on February 14, 1962 and decided that it had been established that, in accordance with paragraphs 3 and 4 of the operative part of this resolution, the present Government of Cuba had been excluded from participation in the Council, its committees and its organs, as of the date of adoption of the said resolution. At the same time the Council requested the Secretary General to transmit the text of the Final Act of the Eighth Meeting of Consultation to the other organs and agencies of the Inter-American System for their information and consequent purposes.

RESOLVES:

1. To suspend immediately trade with Cuba in arms and implements of war of every kind.

2. To charge the Council of the Organization of American States, in accordance with the circumstances and with due consideration for the constitutional or legal limitations of each and every one of the member states, with studying the feasibility and desirability of extending the suspension of trade to other items, with special attention to items of strategic importance.

3. To authorize the Council of the Organization of American States to discontinue, by an affirmative vote of two thirds of its members, the measure or measures adopted pursuant to the preceding paragraphs, at such time as the Government of Cuba demonstrates its compatibility with the purposes and principles of the system.

IX

REVISION OF THE STATUTE OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

WHEREAS:

The Fifth Meeting of Consultation of Ministers of Foreign Affairs, by Resolution VIII, created the Inter-American Commission on Human Rights, and charged it with furthering respect for human rights in the American states;

Notwithstanding the noble and persevering effort carried on by that Commission in the exercise of its mandate, the inadequacy of the faculties and attributions conferred upon it by its Statute have made it difficult for the Commission to fulfill its assigned mission;

There is a pressing need for accelerating development in the hemisphere of the collective defense of human rights, so that this development may result in international legal protection of these rights; and

There is an obvious relation between violations of human rights and the international tensions that work against the harmony, peace, and unity of the hemisphere,

The Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance

RESOLVES:

To recommend to the Council of the Organization of American States that it revise the Statute of the Inter-American Commission on Human Rights, broadening and strengthening the Commission's attributes and faculties to such an extent as to permit it effectively to further respect for these rights in the countries of the hemisphere.

STATEMENTS

STATEMENT OF HONDURAS

Honduras wishes to have the explanation of the position it adopted in voting for Resolution VI, Exclusion of the Present Government of Cuba from Participation in the Inter-American System, recorded in the Final Act.

With regard to the observations of a juridical nature made by several distinguished foreign ministers, Honduras maintains the existence of sufficient bases in the letter and in the spirit of the treaties and conventions of the regional system.

In the last analysis, however, in view of the threat to the peace and security of the hemisphere, in view of the threat to the dignity and freedom of the inhabitants of the Americas, and in view of the political presence of the Soviet Union in America, the Delegation of Honduras, aware of the juridical doubt that might arise, has not hesitated to give the benefit of the doubt to the defense of democracy in America.

STATEMENT OF ARGENTINA

In view of the statement made by the Representative of Uruguay at the second plenary session, held on January 31, 1962, the Delegation of Argentina wishes to record that it reiterates the juridical views expressed by Dr. Miguel Angel Cárcano, Minister of Foreign Affairs and Worship, at the ninth session of the General Committee, in explanation of his vote on Resolution VI of this Final Act.

STATEMENT OF COLOMBIA

The position of Colombia has been defined in the two statements that will be shown in the minutes of the second plenary session of this Eighth Meeting of Consultation, and that refer to general policy and to Resolution VI.

STATEMENT OF MEXICO

The Delegation of Mexico wishes to make it a matter of record in the Final Act of the Eighth Meeting of Consultation of Ministers of Foreign Affairs, that, in its opinion, the exclusion of a member state is not juridically possible unless the Charter of the Organization of American States is first amended pursuant to the procedure established in Article 111.

STATEMENT OF HAITI

My country is proud to have participated in these discussions, which have taken place in an atmosphere of calm, of courtesy, and of mutual respect.

Haiti came to Punta del Este with the firm intention of defending the principles of nonintervention and self-determination of peoples with all that they imply. Haiti remains firmly attached to these intangible principles, which guarantee an order of mutual respect in relations among peoples of different languages and cultures.

— Here Haiti has become persuaded that "the fallacies of communist propaganda cannot and should not obscure or hide the difference in philosophy which these principles represent when they are expressed by a democratic American country, and when communist governments and their agents attempt to utilize them for their own benefit."

This is the sole reason for the change in the position and attitude of my country, which is honored to have had a modest part in resolving a problem which jeopardized the peace, the solidarity, and the unity of the hemisphere.

STATEMENTS OF ECUADOR

The Delegation of Ecuador wishes to state in the record that the exclusion of a member state from the inter-American system could only be accomplished through the prior amendment of the Charter of the Organization of American States to grant the power to exclude a state.

The Charter is the constitutional juridical statute that prevails over any other inter-American instrument.

With respect to Resolution VIII, Ecuador abstained from voting, inasmuch as sanctions are being applied, by invoking the Treaty of Reciprocal Assistance, sanctions that begin with the suspension of traffic in arms with the possibility of being extended to other items, with special attention to items of strategic importance, a concept that might include basic necessities of which the Cuban people should not be deprived and thus make the present situation more critical.

Of course, Ecuador, as a peace-loving country, reaffirms its faith in peaceful methods to settle controversies between states and condemns illegal traffic in arms.

STATEMENT OF BRAZIL

In view of the statement made by the Representative of Uruguay at the plenary session held on January 31, 1962, the Delegation of Brazil reaffirms the validity of the juridical bases of the position taken by its country with respect to Resolution VI of the Eighth Meeting of Consultation, which position was explained at length by the Minister of Foreign Affairs of Brazil in statements made at the sessions of the General Committee held on January 24 and 30, 1962.

STATEMENT OF URUGUAY

The Delegation of Uruguay wishes to state in the record that, in adopting its position in the Eighth Meeting of Consultation, far from violating or forgetting the juridical standards applicable to the Cuban case, it adhered strictly to them, as befits its old and honorable tradition of being a defender of legality. The bases for this position were explained at the plenary session held on January 31, as will be shown in the minutes of that session.

13. Council of the OAS Acting Provisionally as Organ of Consultation, 1962*

Resolution of Oct. 23, 1962

WHEREAS:

The Inter-American Treaty of Reciprocal Assistance of 1947 (The Rio Treaty) recognizes the obligation of the American republics to "provide for effective reciprocal assistance to meet armed attacks against any American state, and in order to deal with threats of aggression against any of them";

Article 6 of the said Treaty states:

"If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent;"

*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume II, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973

The Eighth Meeting of Consultation of Ministers of Foreign Affairs in Punta del Este in January, 1962, agreed in Resolution II "To urge the member states to take those steps that they may consider appropriate for their individual and collective self-defense, and to cooperate, as may be necessary or desirable, to strengthen their capacity to counteract threats or acts of aggression, subversion, or other dangers to peace and security resulting from the continued intervention in this hemisphere of Sino-Soviet powers, in accordance with the obligations established in treaties and agreements such as the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance;"

The Ministers of Foreign Affairs of the American Republics meeting informally in Washington, October 2 and 3, 1962, reasserted "the firm intention of the Governments represented and of the peoples of the American Republics to conduct themselves in accordance with the principles of the regional system, staunchly sustaining and consolidating the principles of the Charter of the Organization of American States, and affirmed the will to strengthen the security of the hemisphere against all aggression from within or outside the emisphere and against all developments or situations capable of threatening the peace and security of the hemisphere through the application of the Inter-American Treaty of Reciprocal Assistance of Rio de Janeiro. It was the view of the Ministers that the existing organizations and bodies of the inter-American system should intensify the carrying out of their respective duties with special and urgent attention to the situation created by the communist regime in Cuba and that they should stand in readiness to consider the matter promptly if the situation requires measures beyond those already authorized";

The same meeting "recalled that the Soviet Union's intervention in Cuba threatens the unity of the Americas and its democratic institutions, and that this intervention has special chracteristics which, pursuant to paragraph 3 of Resolution II of the Eighth Meeting of Consultation of Ministers of Foreign Affairs, call for the adoption of special measures, both individual and collective"; and

Incontrovertible evidence has appeared that the Government of Cuba, despite repeated warnings, has secretly endangered the peace of the Continent by permitting the Sino-Soviet powers to have intermediate and medium-range missiles on its territory capable of carrying nuclear warheads,

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES, ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

RESOLVES:

1. To call for the immediate dismantling and withdrawal from Cuba of all missiles and other weapons with any offensive capability.

2. To recommend that the member states, in accordance with Articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, take all measures, individually and collectively including the use of armed force, which they may deem necessary to ensure that the Government of Cuba cannot continue to receive from the Sino-Soviet powers military material and related supplies which may threaten the peace and security of the Continent and to prevent the missiles in Cuba with offensive capability from ever becoming an active threat to the peace and security of the Continent.

3. To inform the Security Council of the United Nations of this resolution in accordance with Article 54 of the Charter of the United Nations, and to express the hope that the Security Council will, in accordance with the draft resolution introduced by the United States, dispatch United Nations observers to Cuba at the earliest moment.

4. To continue to serve provisionally as Organ of Consultation and to request the member states to keep the Organ of Consultation duly informed of measures taken by them in accordance with paragraph 2 of this resolution.

WHEREAS:

On October 23, 1962, the Council of the Organization of American States, acting provisionally as Organ of Consultation in application of the Inter-American Treaty of Reciprocal Assistance, adopted measures intended to preserve the peace and the security of the Continent, which were seriously threatened by the constant and growing intervention of extracontinental powers in Cuba when they installed ballistic missiles and other arms of an offensive capability on territory of that country;

The Organ of Consultation has recommended to the member states the adoption of individual and collective measures, including the use of armed force, for meeting that situation; and

Many member states have made formal offers of cooperation in accordance with the recommendation made in the second paragraph of the aforementioned resolution,

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION

RESOLVES:

1. To take due note of the offers of a military or other nature that the member states have made and are making in accordance with the terms of the resolution adopted on October 23, 1962, by the Council acting provisionally as Organ of Consultation.

2. To recommend that the member states participating with military forces or with other facilities in the defense of the Hemisphere work out directly among themselves the technical measures that may be necessary to the coordinated and effective action of the combined forces, and that they keep the Organ of Consultation informed of this action, in compliance with paragraph 4 of the above-mentioned resolution.

When this resolution was approved the Chairman made the following explanatory statement, which was also approved by the Council:

The Chairman states that a faithful record of the resolution adopted must make it clear that the Council, established provisionally as Organ of Consultation, is of the opinion that the measures for coordination referred to in paragraph two in no way constitute authorization for the formation of regional military groups within the inter-American system.

14. Council of the OAS Acting Provisionally as Organ of Consultation, 1963 *

Resolution of the Council of the Organization of American States acting provisionally as Organ of Consultation, approved on July 16, 1963

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,
ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

HAVING SEEN the first and second reports of the Committee appointed in accordance with the resolution adopted on April 28, 1963,

*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume II, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973

RESOLVES:

1. To renew the plea to the Governments of the Dominican Republic and Haiti to refrain from performing any act incompatible with the obligations established by the Charter of the Organization not to resort to the threat or the use of force, except in the case of self-defense, and to submit all their international disputes to the procedures of pacific settlement, and that in this connection it express to the Dominican Government the concern caused by the mobilisation and concentration of armed forces on the Dominican-Haitian border, as well as profound pleasure that it has withdrawn them.

2. To urge the Government of Haiti, in a spirit of inter-American cooperation and with adequate speed, to agree to grant the respective safe-conducts to the asylees who are still in the premises of various diplomatic missions in Port-au-Prince, in accordance with the law in force in America.

3. To take note of the statements made by the Government of Haiti to the effect that it respects the inviolability of the residences and offices of the diplomatic missions in Port-au-Prince and the privileges and immunities of their personnel, and to urge that government to take the measures necessary in order to give full force to those principles.

4. To urge the Government of Haiti to observe the principle of respect for human rights consecrated in the Charter of the Organization of American States, inasmuch as compliance with that principle effectively contributes to the maintenance of peace and the diminution of international tensions, and in view of the statement made to the Committee by the Foreign Minister of Haiti to the effect that his government adheres to that principle.

5. To urge the Governments of Haiti and the Dominican Republic to observe, in their capacity as parties thereto, the obligations set forth in the 1954 Convention on Territorial Asylum and the Convention on the Rights and Duties of States in the Event of Civil Strife and the Additional Protocol thereto.

6. To suggest to the same governments that they continue to adopt measures aimed at avoiding acts of hostility toward the nationals of one state in the territory of the other state.

7. To continue acting provisionally as Organ of Consultation.

15. Ninth Meeting of Consultation of Ministers of Foreign Affairs, Washington, D.C., July 21-26, 1964*

I

APPLICATION OF MEASURES TO THE PRESENT GOVERNMENT OF CUBA

The Ninth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance,

HAVING SEEN the report of the Investigating Committee designated on December 3, 1963, by the Council of the Organization of American States, acting provisionally as Organ of Consultation, and

*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume II, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973

CONSIDERING:

That the said report establishes among its conclusions that "the Republic of Venezuela has been the target of a series of actions sponsored and directed by the Government of Cuba, openly intended to subvert Venezuelan institutions and to overthrow the democratic Government of Venezuela through terrorism, sabotage, assault, and guerrilla warfare," and

That the aforementioned acts, like all acts of intervention and aggression, conflict with the principles and aims of the inter-American system,

RESOLVES:

1. To declare that the acts verified by the Investigating Committee constitute an aggression and an intervention on the part of the Government of Cuba in the internal affairs of Venezuela, which affects all of the member states.

2. To condemn emphatically the present Government of Cuba for its acts of aggression and of intervention against the territorial inviolability, the sovereignty, and the political independence of Venezuela.

3. To apply, in accordance with the provisions of Articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, the following measures:

a. That the governments of the American states not maintain diplomatic or consular relations with the Government of Cuba;

b. That the governments of the American states suspend all their trade, whether direct or indirect, with Cuba, except in foodstuffs, medicines, and medical equipment that may be sent to Cuba for humanitarian reasons; and

c. That the governments of the American states suspend all sea transportation between their countries and Cuba, except for such transportation as may be necessary for reasons of a humanitarian nature.

4. To authorize the Council of the Organization of American States, by an affirmative vote of two thirds of its members, to discontinue the measures adopted in the present resolution at such time as the Government of Cuba shall have ceased to constitute a danger to the peace and security of the hemisphere.

5. To warn the Government of Cuba that if it should persist in carrying out acts that possess characteristics of aggression and intervention against one or more of the member states of the Organization, the member states shall preserve their essential rights as sovereign states by the use of self-defense in either individual or collective form, which could go so far as resort to armed force, until such time as the Organ of Consultation takes measures to guarantee the peace and security of the hemisphere.

6. To urge those states not members of the Organization of American States that are animated by the same ideals as the inter-American system to examine the possibility of effectively demonstrating their solidarity in achieving the purposes of this resolution.

7. To instruct the Secretary General of the Organization of American States to transmit to the United Nations Security Council the text of the present resolution, in accordance with the provisions of Article 54 of the United Nations Charter.

II

DECLARATION TO THE PEOPLE OF CUBA

WHEREAS:

The Preamble to the Charter of the Organization of American States declares that, "the historic mission of America is to offer to man a land of liberty, and a favorable environment for the development of his personality and the realization of his just aspirations"; and that "the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man";

The Charter of the Organization declares that the solidarity of the American states and the high purposes toward which it is dedicated demand that the political organization of these states be based on the effective exercise of representative democracy;

The Charter also proclaims "the fundamental rights of the individual" and reaffirms that the "education of peoples should be directed toward justice, freedom, and peace";

The Declaration of Santiago, Chile, adopted by the Fifth Meeting of Consultation of Ministers of Foreign Affairs and signed by the present Cuban Government, proclaimed that the faith of peoples of America in the effective exercise of representative democracy is the best vehicle for the promotion of their social and political progress (Resolution XCV of the Tenth Inter-American Conference), while well-planned and intensive development of the economies of the American countries and improvement in the standard of living of their peoples represent the best and firmest foundation on which the practical exercise of democracy and the stabilization of their institutions can be established;

The Ninth International Conference of American States condemned "the methods of every system tending to suppress political and civil rights and liberties, and in particular the action of international communism or any other totalitarian doctrine";

The present Government of Cuba, identifying itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system alien to the democratic and Christian traditions of the American family of nations and contrary to the principles of juridical organization upon which rest the security and peaceful harmonious relations of the peoples of the hemisphere; and

The exclusion of the present Government of Cuba from participation in the inter-American system, by virtue of the provisions of Resolution VI of the Eighth Meeting of Consultation of Ministers of Foreign Affairs, by no means signifies any intention to deny the Cuban people their rightful place in the community of American peoples;

The Ninth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance,

DECLARES:

That the free peoples of the Americas are convinced that the inter-American system offers to the Cuban people unequaled conditions for the realization of their ideals of peace, liberty, and social and economic progress;

That the peoples belonging to the inter-American system are in complete sympathy with the Cuban people in all their sufferings, in the face of the total loss of their liberty both in the spiritual domain and in the social and economic field, the denial of their most elementary human rights, the burden of their persecutions, and the destruction of a legal system that was open to improvement and that offered the possibility of stability; and

That, within this spirit of solidarity, the free peoples of America cannot and must not remain indifferent to or uninterested in the fate of the noble Cuban people, which is oppressed by a dictatorship that renounces the Christian and democratic traditions of the American peoples; and in consequence

EXPRESSES:

1. Its profound concern for the fate of the brother people of Cuba.

2. Its deepest hope that the Cuban people, strengthened by confidence in the solidarity with them of the other American peoples and governments, will be able, by their own endeavor, very soon to liberate themselves from the tyranny of the communist regime that oppresses them and to establish in that country a government freely elected by the will of the people that will assure respect for fundamental human rights.

3. Its firm conviction that the emphatic condemnation of the policy of the present Cuban Government of aggression and intervention against Venezuela will be taken by the people of Cuba as a renewed stimulus for its hope there will come to prevail in that country a climate of freedom that will offer to man in Cuba a favorable environment for the development of his personality and the realization of his just aspirations.

STATEMENTS

STATEMENT OF CHILE

The Delegation of Chile abstained from voting on paragraphs 1 and 2 of the operative part of Resolution I, because of its doubts regarding the legality of the use of the term "aggression" in describing the acts. It voted negatively on paragraph 3, because it is firmly convinced that the measures agreed to are not appropriate to the particular case that has brought about the application of the Inter-American Treaty of Reciprocal Assistance. It also voted against paragraph 5, because it believes that there are discrepancies between the provisions of that paragraph and those of Article 51 of the Charter of the United Nations and of Article 3 of the Rio Treaty. With reference to its abstention on paragraph 6, its attitude is consistent with the attitude taken with respect to the measures called for in paragraph 3.

The Delegation of Chile abstained from voting on the Declaration to the People of Cuba since, although agreeing with its basic content, it maintains relations with the Republic of Cuba and since it believes precisely in the principle of nonintervention, it has deemed it preferable not to give positive support to this resolution.

STATEMENT OF MEXICO

The Delegation of Mexico wishes to make it a matter of record in the Final Act, that the Government of Mexico:

1. Is convinced that the measures provided for in the third paragraph of the operative part of Resolution I, which the Delegation of Mexico voted against, lack foundation, inasmuch as the Inter-American Treaty of Reciprocal Assistance does not envisage, in any part, the application of such measures in situations of the kind and nature dealt with by this Meeting of Consultation.

2. Makes a specific reservation to the fifth paragraph of the operative part of the same resolution since it endeavors to extend, in such a way as to be incompatible with the provisions of Articles 3 and 10 of the Inter-American Treaty of Reciprocal Assistance, the right to individual or collective self-defense.

3. Reiterates without reservations its "will to cooperate permanently in the fulfillment of the principles and purposes of a policy of peace," to which "is essentially related" the "obligation of mutual assistance and common defense of the American Republics," in accordance with the provisions of paragraph five of the Preamble of the Inter-American Treaty of Reciprocal Assistance.

16. Council of the OAS Acting Provisionally as Organ of Consultation, 1964*

Resolution of the Council of the Organization of American States acting provisionally as Organ of Consultation on February 7, 1964

On February 7, 1964, the Council acting provisionally as Organ of Consultation in accordance with the resolution of February 4, approved the following resolution by which a General Committee of the Organ of Consultation was established:

WHEREAS:

Article 4 of the Charter of the Organization of American States proclaims the following as the first two essential purposes of the Organization: "To strengthen the peace and security of the continent" and "to prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the member states;"

The Inter-American Treaty of Reciprocal Assistance recognizes the preeminent position within the inter-American system of the procedures for the pacific settlement of controversies, and explicitly and especially mentions the principles set forth in the preamble and declarations of the Act of Chapultepec; and

At the special meetings of the Council held on January 31 and February 4, 1964, both the Representative of the Government of Panama and the Representative of the United States Government expressed a desire that the tragic events that occurred in Panama last January 9 and 10 be fully investigated,

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES ACTING PROVISIONALLY AS ORGAN OF CONSULTATION

RESOLVES:

1. To urge both governments to abstain from committing any act that might result in violating the peace in Panama.

2. To establish a general committee composed of all the members of the Council, acting provisionally as Organ of Consultation, with the exception of the Representatives of the parties in conflict.

3. The general committee shall:

a. Investigate, fully and at once, the acts that occurred in Panama on January 9 and 10, 1964, and thereafter, and submit a report to the Organ of Consultation on the matter and on the efforts exerted by the Governments of the United States and Panama during subsequent days to find a solution to the dispute;

b. Propose to the parties procedures intended to ensure that the peace will not be violated while an effort is being made to find a solution to the dispute between them;

c. Bearing in mind the causes of the dispute, to assist the parties in their search for a fair solution thereof and to submit a report to the Organ of Consultation on this phase of the subject; and

d. Create the special committees that it deems necessary for the fulfillment of its task.

*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume II, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973

4. To request the American governments and the Secretary General of the Organization to furnish full cooperation in order to facilitate the work of the general committee.

17. Tenth Meeting of Consultation of Ministers of Foreign Affairs, Washington, D.C., May 1, 1965-March 6, 1970*

Resolution Adopted by the 10th Meeting of Consultation of Ministers of Foreign Affairs, Washington, May 6, 1965

INTER-AMERICAN FORCE

(Adopted at the third plenary session, held on May 6, 1965)

WHEREAS:

This Tenth Meeting of Consultation at its session on May 1, 1965, established a Special Committee composed of five of its members to go to the Dominican Republic to seek the re-establishment of peace and normal conditions in the territory of that republic;

The abovementioned resolution requests the governments of the member states and the Secretary General of the Organization of American States to extend their full cooperation to facilitate the work of the Special Committee;

The formation of an inter-American force will signify ipso facto the transformation of the forces presently in Dominican territory into another force that would not be that of one state or of a group of states but that of the Organization of American States, an interstatal organization, which Organization is charged with the responsibility of interpreting the democratic will of its members;

The American states being under the obligation to provide reciprocal assistance to each other, the Organization is under even greater obligation to safeguard the principles of the Charter and to do everything possible so that in situations such as that prevailing in the Dominican Republic appropriate measures may be taken leading to the re-establishment of peace and normal democratic conditions;

The Organization of American States being competent to assist the member states in the preservation of peace and the re-establishment of normal democratic conditions, undoubtedly it is also competent to provide the means that reality and circumstances require and that prudence counsels as adequate for the accomplishment of such purposes; and

The Special Committee that went to the Dominican Republic, in its second message to this Meeting of Consultation, advises the formation of an inter-American force to achieve the objectives determined by the Meeting,

*Source: Collective Security and the Inter-American System, Office of the Historian, United States Department of State, Bureau of Public Affairs, 1985

The Tenth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

1. To request governments of member states that are willing and capable of doing so to make contingents of their land, naval, air or police forces available to the Organization of American States, within their capabilities and to the extent they can do so, to form an inter-American force that will operate under the authority of this Tenth Meeting of Consultation.

2. That this Force will have as its sole purpose, in a spirit of democratic impartiality, that of cooperating in the restoration of normal conditions in the Dominican Republic, in maintaining the security of its inhabitants and the inviolability of human rights, and in the establishment of an atmosphere of peace and conciliation that will permit the functioning of democratic institutions.

3. To request the commanders of the military contingents that make up this Force to work out directly among themselves and with a committee of this Meeting the technical measures necessary to establish a Unified Command of the Organization of American States for the coordinated and effective action of the Inter-American Force. In the composition of this Force, an effort will be made to see that the national contingents shall be progressively equalized.

4. That at such time as the Unified Command of the Organization of American States shall have determined that the Inter-American Force is adequate for carrying out the purposes set forth in the resolution adopted by this Meeting on May 1, 1965, the full responsibility of fulfilling these purposes shall be assumed by that Force.

5. That the withdrawal of the Inter-American Force from the Dominican Republic shall be determined by this Meeting of Consultation.

6. To continue in session in order to keep the situation under review, to receive the report and recommendations of the Special Committee, and in the light thereof to take the necessary steps to facilitate the prompt restoration of democratic order in the Dominican Republic.

7. To inform the Security Council of the United Nations of the text of this resolution.

19. Twelfth Meeting of Consultation of Ministers of Foreign Affairs, Washington, D.C., June 19-Sept. 24, 1967*

Final Act of the 12th Meeting of Consultation of Ministers of Foreign Affairs, Washington, June 19-September 24, 1967 (Extracts)

The Twelfth Meeting of Consultation of Ministers of Foreign Affairs convoked in accordance with the first part of Article 39 and with Articl 40 of the Charter of the Organization of American States, was held at th Pan American Union, Washington, D.C., from June 19 to September 24, 1967.

. . . .

The resolutions adopted by the Twelfth Meeting of Consultation of Ministers of Foreign Affairs are the following:

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*Source: Collective Security and the Inter-American System, Office of the Historian, United States Department of State, Bureau of Public Affairs, 1985

RESOLUTION I

(Adopted June 19, 1967)

The Twelfth Meeting of Consultation of Ministers of Foreign Affairs

CONSIDERING:

The note dated June 1, 1967, addressed by the Representative of Venezuela to the Chairman of the Council of the Organization and the statement made by the Special Delegate of Venezuela during the plenary session held today,

RESOLVES:

1. To authorize its President to appoint a committee to go to Venezuela, gather additional information, and make such verification as it considers advisable of the events that took place in Venezuela and that were denounced by the government of that country in its note of June 1, 1967, to the Chairman of the Council of the Organization of American States, which was considered at the special meeting held by that Organ on June 5.

2. To request the American governments and the Secretary General of the Organization to cooperate with the Committee, which shall begin working as soon as it has been constituted.

3. That the Committee shall submit a report to the Meeting of Consultation as soon as possible.

4. To inform the United Nations Security Council of the text of the present resolution, in accordance with the provisions of Article 54 of the Charter of the United Nations.

RESOLUTION II

(Adopted July 10, 1967)

The Twelfth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

1. To establish an eight-member committee to prepare a report on the events related to the so-called Afro-Asian-Latin American Peoples' Solidarity Conference that have occurred since the report of November 25, 1966, presented by the Special Committee to Study Resolutions II.1 and VIII of the Eighth Meeting of Consultation of Ministers of Foreign Affairs.

2. To authorize the President of the Twelfth Meeting of Consultation to designate the states that should compose the aforementioned committee.

3. To request the Secretary General of the Organization to give the Committee the assistance it needs to achieve the objective stated above.

RESOLUTION III

(Adopted September 24, 1967)

WHEREAS:

The report of Committee I of the Twelfth Meeting of Consultation of Ministers of Foreign Affairs establishes among its conclusions that "it is clear that the present Government of Cuba continues to give moral and material support to the Venezuelan guerrilla and terrorist movement and that the recent series of aggressive acts against the Government of Venezuela is part of the Cuban Government's continuing policy of persistent intervention in the internal affairs of other American states by fostering and organizing subversive and terrorist activities in their territories";

Committee II of the Twelfth Meeting of Consultation of Ministers of Foreign Affairs, responsible for preparing a report on events related to the so-called First Afro-Asian-Latin American Peoples' Solidarity Conferenc stated that the so-called First Latin American Peoples' Solidarity Conference, held in Havana from July 31 to August 10, 1967, "represents a further step in the efforts of communism and other subversive forces in the hemisphere to promote, support, and coordinate guerrilla, terrorist, and other subversive activities directed against established governments" and gives "testimony once again to the efforts of the Government of Cuba to control and direct these subversive activities in our hemisphere";

During the course of the Twelfth Meeting of Consultation the Governmen of Bolivia has presented proof of intervention by the Government of Cuba in the preparation, financing, and organization of guerrilla activities in its territory;

The precarious social and economic conditions under which the peoples of Latin America live serve communism as a means for promoting internal subversion that distorts the legitimate aspirations for justice and for change in our countries;

The affirmation that the democratic system is the appropriate path for achieving the desires of the Latin American peoples must be supported by adequate actions and programs that will promote the structural changes necessary for progress and for the strengthening of the system itself;

Economic cooperation among the American states to accelerate and harmonize development is essential to the stability of democracy and the consolidation of the inter-American system in the face of the subversive aims of international communism; and

Respect for and observance of human rights constitute a basic universal as well as inter-American juridical principle essential to the effectiv security of the hemisphere, and in spite of this, events occur in practice that are incompatible with the system of protection and guarantee that all countries are obligated to establish in behalf of the individual,

The Twelfth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

1. To condemn emphatically the present Government of Cuba for its repeated acts of aggression and intervention against Venezuela and for its persistent policy of intervention in the internal affairs of Bolivia and of other American states, through the incitement and active and admitted support of armed bands and other subversive activities directed against the governments of those states.

2. To request friendly states not members of the Organization of American States that share the principles of the inter-American system to restrict their commercial and financial operations with Cuba, as well as sea and air transport with that country, especially transactions and transport conducted by state entities, until such time as the Cuban regime ceases its policy of intervention and aggression, and to indicate to them that the granting of state credits or credit guarantees to private firms conducting such transactions cannot be viewed as a friendly gesture by the member states of the Organization. In this sense it is recommended to the governments of the member states that, individually or collectively, they reiterate this position to the governments of those states.

3. To request the governments that support the formation of the so-called Afro-Asian-Latin American Peoples' Solidarity Organization (AALAPSO) to withdraw their support or adherence from that organization, as well as from the "Second Tricontinental Conference," scheduled to be held in Cairo in January 1968. To denounce these activities as contrary to the sovereignty, peaceful relations, and social and economic development of the peoples. To declare that the support by extracontinental countries for activities conducive to subversion in Latin America jeopardizes solidarity among the developing countries, the increasing importance of which is reflected particularly in the efforts being made to restructure international trade on more equitable bases.

4. To express to the states not members of the Organization of American States that support the Government of Cuba the serious concern of the member states of the Organization, inasmuch as that support tends to stimulate the interventionist and aggressive activities of the Cuban regime against the countries of the Western Hemisphere, and since the cause of peaceful relations will be jeopardized so long as those activities continue. To this end, it is recommended to the governments of the member states of the Organization that they carry out joint or individual representations directed to the states that support the Government of Cuba, in order to manifest this concern to them.

5. To recommend to the governments of the member states of the Organization of American States that they apply strictly the recommendations contained in the First Report of the Special Committee to Study Resolutions II.1 and VIII of the Eighth Meeting of Consultation of Ministers of Foreign Affairs, of July 3, 1963, relative to the prevention of propaganda and of the movement of funds and arms from Cuba and other illegal sources to other American countries, as well as to the strengthening of controls on travel to and from Cuba in order to prevent the movement of subversive elements, and that they coordinate more effectively their efforts aimed at preventing such movements and shipments.

6. To recommend to the governments of the member states of the Organization that, in accordance with their domestic legislation, they adopt or intensify, as appropriate, measures of vigilance and control on their respective coasts and borders, in order to prevent the entry into their own territory, or the exit, of men, arms, or equipment coming from Cuba and intended for purposes of subversion and aggression.

7. To recommend to the governments of the member states of the Organization that, in accordance with their constitutional and legal provisions, they maintain within their territory the strictest vigilance over the activities of the so-called Latin American Solidarity Organization (LASO) and its "national committees."

8. To recommend to the governments of the member states of the Organization the application, where pertinent, of all the recommendations contained in the Report of the Special Committee to Study Resolutions II.1 and VIII of the Eighth Meeting of Consultation of Ministers of Foreign

Affairs, on the so-called First Afro-Asian-Latin American Peoples' Solidarity Conference and its Projections ("Tricontinental Conference of Havana"), dated November 25, 1966.

9. To recommend to the governments of the member states that they take such steps as they deem pertinent in order to coordinate, among neighboring countries, the measures of vigilance, security, and intelligence indicated in paragraphs 5, 6, 7, and 8 above.

10. To recommend to the governments of the member states that they decline to ship any governmental or government-financed cargo in any vessel that, following the date of this resolution, has engaged in the shipment of cargo to or from Cuba, and that, in addition, they take necessary measures to prohibit the bunkering of any such vessel in their ports, with the exception of those cases in which shipments are made for humanitarian purposes.

11. To reaffirm that the maintenance of order and of internal and external security is the exclusive responsibility of the government of each member state, without prejudice to its reiterated adherence to the principle of collective and mutual security for the preservation of peace, in accordance with the treaties on this subject.

12. To express its concern that the growth rates of the developing countries of Latin America and the level of their participation in international trade do not keep up with the corresponding rates of growth and trade expansion of the industrialized countries of the world, and that this situation could result in new and more acute social conflicts that could be used to advantage to provoke or intensify subversion and violence and to disturb the development of the hemisphere.

13. To reaffirm that the principal means of achieving security and prosperity in the hemisphere is development by peaceful and democratic methods, and that the subversion promoted by Cuba disturbs that process.

14. To reiterate its conviction that economic and social development can and should be achieved only within a system that respects democracy and human rights, and on the basis of actions and programs that will coordinate domestic efforts with international cooperation, to satisfy the undeferrable aspirations and needs of the peoples of the Americas.

15. To instruct the Secretary General of the Organization of American States to transmit to the United Nations Security Council the text of this resolution and of the reports of Committees I and II of this Meeting of Consultation, in accordance with Article 54 of the Charter of the United Nations.

RESOLUTION IV

(Adopted September 24, 1967)

WHEREAS:

Article 34 and the first paragraph of Article 35 of the Charter of the United Nations read as follows:

> Article 34. The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

Resolution 2131 (XX) of the United Nations General Assembly states the following in paragraphs 1 and 2 of its declarative part:

> 1. No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements are condemned;
>
> 2. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State;

and

Under the auspices of the present Government of Cuba, the so-called Latin American Solidarity Organization (LASO), meeting recently in Havana, passed resolutions and adopted decisions to promote subversive movements in the Latin American countries,

The Twelfth Meeting of Consultation of Ministers of Foreign Affair

RESOLVES:

1. To recommend to the member states of the Organization of American States that they bring to the attention of the competent organ of the United Nations the acts of the present Government of Cuba that contravene the provisions cited of Resolution 2131 (XX) of the General Assembly.

2. To request the countries of the Latin American group in the United Nations that are not members of the Organization of American States to cooperate in the implementation of this resolution.

RESOLUTION V

(Adopted September 24, 1967)

Declaration

The Ministers of Foreign Affairs meeting here reaffirm the dedication of their governments to the cause of the economic and social development of their peoples, within a framework of freedom and democracy, and declare that the efforts of those governments will not be deterred by the aim of any state or organization to subvert their institutions--an aim that the Foreign Ministers meeting here unanimously repudiate.

20. Thirteenth Meeting of Consultation of Ministers of Foreign Affairs, Washington, D.C., July 26, 1969-Nov. 17, 1980*

Resolutions Approved by the Thirteenth Meeting of Consultation

After thorough discussion, the Thirteenth Meeting of Consultation approved the following resolutions and declaration:

I

CONSIDERING:

That, by a resolution adopted on July 23, 1969, the Council of the Organization, acting provisionally as Organ of Consultation, convoked a Meeting of Consultation of Ministers of Foreign Affairs, in accordance with the Inter-American Treaty of Reciprocal Assistance and the pertinent articles of the Charter of the Organization of American States, and that as of 10:00 P.M. Central American time, on July 22, 1969, the withdrawal of the Salvadorean troops from Honduran territory, as called for by that Council under the terms of the Inter-American Treaty of Reciprocal Assistance, had not been carried out; and

TAKING INTO ACCOUNT that at 4:00 P.M. on July 29, 1969, the Government of El Salvador, through His Excellency, the Minister of Foreign Affairs, made the following statement to the Organ of Consultation: "...the Government of El Salvador declares that, in its steadfast purpose of finding a peaceful solution to the conflict that concerns us today, it has decided to withdraw the Salvadorean troops that are occupying Honduran territory. The Government is confident that you, gentlemen, will be able to find formulas that will fully and effectively guarantee the lives, personal safety, and property of the Salvadorean people who have resided or are now residing in Honduras,"

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

RESOLVES:

1. To take note of the statement made by the Government of El Salvador.

2. To order that the withdrawal of the troops be effected immediately, under the terms set forth in paragraphs 2 and 3 of the operative part of Resolution II, adopted on July 18, 1969, by the Council of the Organization, acting provisionally as Organ of Consultation.

3. To instruct the committee established by the Council of the Organization, acting provisionally as Organ of Consultation, in accordance with its resolution of July 14, 1969, to watch over the timing and manner in which the withdrawal of the troops is carried out and to report to the Meeting of Consultation, using as a basis the reports submitted to it in due course by the military observers.

*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume II, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1973; Inter-American Treaty of Reciprocal Assistance, Applications, Volume III, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1977

II

WHEREAS:

The Council of the Organization, acting provisionally as Organ of Consultation, stated that, to ensure peace and security, it is necessary to give adequate and effective protection to all citizens of El Salvador residing in Honduras and also to Hondurans residing in El Salvador, and that Article 13 of the Charter of the Organization of American States provides that in the exercise of its right to develop its cultural, political, and economic life freely and naturally, the state shall respect the rights of the individual and the principles of universal morality;

The Government of El Salvador has asked repeatedly for adequate and effective guarantees of the lives, personal safety, and property of its nationals residing in Honduras;

The Government of Honduras has requested equal guarantees of the lives, personal safety, and property of its nationals residing in El Salvador;

The governments of El Salvador and Honduras have formally bound themselves to provide these guarantees;

For the purposes of this resolution, it is also necessary to maintain and strengthen the inter-American institutional mechanism established by the Council of the Organization, acting provisionally as Organ of Consultation, to see to full compliance with this reciprocal commitment made by the governments mentioned; and

In accordance with the provisions of the Inter-American Treaty of Reciprocal Assistance, the Charter of the Organization of American States, and the American Treaty on Pacific Settlement (Pact of Bogotá), disputes arising between American nations should be resolved by peaceful procedures,

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

RESOLVES:

1. To instruct the Committee named by the Council of the Organization, acting provisionally as Organ of Consultation, in accordance with the resolution of July 14, 1969, to continue to perform the work entrusted to it through Resolution III of July 18, and to adopt all the measures necessary for seeing to the faithful and precise fulfillment of the effective guarantees given by the governments of El Salvador and Honduras, for the purpose of ensuring respect for the lives, personal safety, and property of the nationals of each of these countries residing in the other. It shall also watch over compliance with the terms of this resolution and report in due course to the Meeting of Consultation.

2. To entrust the Secretary General of the Organization with maintaining the observers designated in accordance with paragraph 5 of the operative part of the aforementioned Resolution III and increasing their number if necessary, so that they may perform the functions assigned to them by the committee referred to in this resolution and provide it with the facilities and services it requires.

3. To request the Inter-American Commission on Human Rights to cooperate with the above-mentioned Committee.

4. To take note that the governments of El Salvador and Honduras agreed to submit within two months their demands and the differences that have arisen between them to any one of the procedures for pacific settlement provided for in the American Treaty on Pacific Settlement (Pact of Bogotá), to which both countries are parties, and if this does not happen, to submit them to the procedure of arbitration in accordance with the same pact.

5. To urge each one of the parties to bring to trial those responsible for crimes and violation of human rights, in accordance with their respective judicial systems. The Committee mentioned in operative paragraph 1 of this resolution shall report to the Meeting of Consultation on this matter.

6. To recommend the taking of a census of the nationals of each country residing in the other, with a view to the study and appropriate solution of the migration problems.

7. To request the international organs, agencies, and entities, especially those of the inter-American system, to cooperate with both parties in the solution of their population and development problems, in coordination with the other countries of Central America, taking into account the program for the integration of the isthmus, and acting through the Central American regional institutions. The Secretary General of the Organization is charged with providing the personnel, obtaining funds, and supplying any other facilities that may be necessary in order appropriately to carry out this task.

8. To appeal once again to the member states of the Organization to provide funds, food, medicines, services, and the like to assist the inhabitants of El Salvador and of Honduras, who have been displaced, in accordance with the spirit of the resolution that created the Inter-American Emergency Aid Fund and under the terms of its statutes.

9. To recommend to the governments of El Salvador and Honduras, in view of the unusual situation caused by the events that occurred between the two countries, that they provide facilities for the return to their homes of displaced persons so requesting. The Committee shall see to the reuniting of the families scattered as a result of those events.

10. To request that member states in a position to do so make available to the Committee the facilities and equipment it needs for the accomplishment of its mission, including means of transportation and communication.

III

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

RESOLVES:

1. To keep the Thirteenth Meeting of Consultation in session, especially for the purpose of seeing that the resolutions adopted by the Organ of Consultation are carried out faithfully and taking such additional measures

as it may deem necessary to reestablish and preserve inter-American peace and security and to resolve the conflict between El Salvador and Honduras by peaceful means.

2. To instruct the Secretary General of the Organization of American States to transmit the text of the resolution adopted by this Meeting of Consultation to the Security Council of the United Nations, in accordance with the provisions of Article 54 of the United Nations Charter.

IV

Declaration

WHEREAS:

During the course of this Meeting of Consultation there has been a clear and categorical manifestation of the unanimous rejection by the American States of the use of force for the settlement of disputes among the member states of the Organization;

The procedures instituted by the inter-American system afford proper means for the peaceful solution of conflicts;

Nonetheless, it is the firm desire and continuing concern of the member states to intensify action leading to the elimination of underdevelopment as an underlying cause of such conflicts; and

The member states of the Organization of American States have invariably reaffirmed the rights of man and the principles of universal morality, in the full exercise of their sovereignty and of the jurisdiction they have over all inhabitants of their territory, whether nationals or aliens,

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

DECLARES:

1. Its unswerving adherence to the principle set forth in Article 1 of the Inter-American Treaty of Reciprocal Assistance and Article 18 of the Charter of the Organization of American States, that the use of force as a means for the settlement of disputes has been definitively proscribed among the member states of the Organization;

2. That, as provided in Articles 5 (e) and 17 of the Charter of the Organization of American States, there shall be no recognition of conquests and no occupation of territory through the use of force;

3. That the status of immigrants is regulated by the laws of the countries in which they reside and to whose jurisdiction they are subject;

4. That the application of the above principles must be carried out with maximum respect for the protection of human rights, the full validity of which has been declared repeatedly by the American states;

5. That it notes with satisfaction the willingness shown by the governments of El Salvador and Honduras to consolidate in fact the permanent applicability of the principles enunciated in this declaration.

I

PEACE AND TREATIES

WHEREAS:

By Resolution III adopted by this Meeting on July 30, 1969, it was decided to keep the Meeting in session, especially for the purpose of seeing that the resolutions adopted were carried out faithfully and of taking such additional measures as it might deem necessary to reestablish and preserve inter-American peace and security and to resolve the conflict between El Salvador and Honduras by peaceful means;

Respect for and faithful compliance with the existing treaties between the two countries, both bilateral and multilateral ones, are essential to guarantee peace and harmonious relations between the two nations;

The disagreements between El Salvador and Honduras can be resolved through the international legal means and procedures contemplated in those instruments; and

In order to contribute to restoring normal relations between El Salvador and Honduras it is necessary to avoid measures that would affect in a discriminatory manner the property or interests that the nationals of one of those countries have in the other,

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

RESOLVES:

1. To urge the governments of El Salvador and Honduras to preserve peace between their countries, refraining from taking measures of any kind that could compromise it, and to comply with all the agreements and treaties to which they are parties.

2. To invite both governments to repeal the measures that were adopted at the time of the past conflict and that hinder free disposition of the property of the natural and juridical persons of one country that are under the jurisdiction of the other.

II

FREE TRANSIT

WHEREAS:

The Council of the Organization, acting provisionally as Organ of Consultation, on July 15, 1969, resolved: "In accordance with Article 7 of the Inter-American Treaty of Reciprocal Assistance, to call upon the governments of El Salvador and Honduras to suspend hostilities, to restore matters to the statu quo ante bellum, and to take the necessary measures to reestablish and maintain inter-American peace and security and for the solution of the conflict by peaceful means";

In its Resolution III, adopted on July 30, 1969, the Organ of Consultation resolved: "To keep the Thirteenth Meeting of Consultation in session, especially for the purpose of seeing that the resolutions adopted by the Organ of Consultation are carried out faithfully and of taking such additional measures as it may deem necessary to reestablish and preserve inter-American peace and security and to resolve the conflict between El Salvador and Honduras by peaceful means";

The closing in El Salvador and Honduras of the land communication routes between those countries seriously affects the national economies and the standards of living of the people not only of those two states but also of other states in the hemisphere, especially all those of the Central American Common Market;

The treaties on Central American integration establish freedom of transit among the countries of the area; and

It is the duty of the Organ of Consultation to take peacemaking action in accordance with Article 7 of the Inter-American Treaty of Reciprocal Assistance,

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

RESOLVES:

1. To recommend to the Government of El Salvador that, as a first step toward restoring matters to the _statu quo ante bellum_ with respect to the utilization of land communication routes, it permit free transit of goods of Honduran origin through its territory.

2. To recommend to the Government of Honduras that, as a first step toward restoring matters to the _statu quo ante bellum_ with respect to the utilization of land communication routes, it permit free transit of goods of Salvadorean origin through its territory.

III

DIPLOMATIC AND CONSULAR RELATIONS

WHEREAS:

The resumption of diplomatic and consular relations would help to bring the situation affecting El Salvador and Honduras back to normal,

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

RESOLVES:

To invite the governments of El Salvador and Honduras to reestablish their diplomatic and consular relations as soon as possible.

IV

BOUNDARY QUESTIONS

WHEREAS:

The Ninth International Conference of American States stated in its Resolution XXXVIII that: "The experience of history demonstrates that the lack of clearly demarcated boundaries is a cause of international conflicts" and that "This situation can affect the peace of the continent and the normal development of the peoples of America";

The governments of El Salvador and Honduras have repeatedly expressed their aim of setting the boundary line that separates their respective territories; and

The Government of El Salvador has made a statement dated October 24, 1969, in which it expresses its position of principle with respect to this matter and its willingness to seek a solution of a bilateral nature as soon as normal relations between the two countries are restored,

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

RESOLVES:

To invite the governments of El Salvador and Honduras, within the framework of the provisions of the Charter of the Organization of American States, to settle their boundary questions in accordance with the letter and spirit of the aforementioned resolution and the pertinent provisions of the agreements signed by both countries.

V

CENTRAL AMERICAN COMMON MARKET

WHEREAS:

The presidents of the member states of the Central American Common Market committed themselves, in the Declaration of the Presidents of America dated April 14, 1967, to carry out an action program that includes, among other measures, the ones set forth therein, and to apply, in their implementation, the principle of balanced development among the countries of the area;

The economic, social, and cultural situations within which the conflict between El Salvador and Honduras arose show the desirability of proceeding to a revision of the treaties concerning the establishment and functioning of the Central American Common Market for the purpose of improving it in accordance with the experience that has been gained;

Any decision in this matter must be the result of an agreement among the five countries that make up the Central American Common Market; and

The Central American integration movement not only meets a social, economic, and cultural need of the countries that make it up but also is pursuant to resolutions and agreements of a multilateral nature, in accord with the spirit of the Declaration of the Presidents of America,

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

RESOLVES:

1. To express its sympathy to the governments of the states that make up the Central American Common Market and to urge them to keep the integration movement active.

2. To recommend to the governments of El Salvador and Honduras that they initiate conversations with the other governments of the isthmus for the purpose of achieving a regional consensus that will make it possible to revise the present structure of the Central American Common Market in order to improve its operation, for the purpose of raising the standard of living of the inhabitants of the region.

VI

CLAIMS AND DIFFERENCES

WHEREAS:

The Meeting of Consultation, in paragraph 4 of the operative part of Resolution II adopted on July 30, took note that the governments of El Salvador and Honduras had agreed to submit their claims and the differences that had arisen between them to any one of the procedures for pacific settlement provided for in the American Treaty on Pacific Settlement (Pact of Bogotá), to which both countries are parties, and if this did not happen, to submit them to the procedure of arbitration in accordance with that pact; and

The parties are the ones who must first come to an agreement in choosing the procedure to which they will submit their differences,

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

RESOLVES:

To remind the governments of El Salvador and Honduras of the content of paragraph 4 of the operative part of Resolution II of the Organ of Consultation adopted on July 30, 1969, on their agreement to submit to procedures for pacific settlement their claims and the differences that have arisen in connection with the conflict.

VII

HUMAN RIGHTS AND THE FAMILY

WHEREAS:

In its Declaration of July 30, 1969, the Organ of Consultation established that the status of immigrants is regulated by the laws of the countries in which they reside, but that application of that principle must be carried out with maximum respect for the protection of human rights, which rights have constantly been reaffirmed by the member states of the Organization,

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

RESOLVES:

1. To recommend to the governments of El Salvador and Honduras that, in applying their respective domestic laws to aliens, they do so with maximum respect for human rights and, especially, the rights to life, personal security, liberty, and property, and the rights with respect to the family.

2. To repeat the request made to the Committee of the Organ of Consultation that, with the cooperation of the Inter-American Commission on Human Rights, it continue to watch over strict compliance with the resolutions on human rights adopted by the Organ of Consultation.

Resolutions of the Meeting of Consultation of Ministers of Foreign Affairs (Twenty-fifth Plenary Session)

I

CONGRATULATIONS TO THE GOVERNMENTS OF EL SALVADOR AND HONDURAS ON THE SIGNING OF THE GENERAL TREATY OF PEACE BETWEEN THOSE TWO COUNTRIES

WHEREAS:

On October 30, 1980, the governments of El Salvador and Honduras signed the General Treaty of Peace between the two countries in which they reaffirm their conviction that peace is essential for the coexistence and harmonious development of their peoples and agree formally and solemnly to regard as settled the differences that temporarily alienated the two states; and

The signing of the Treaty has resolved the situation that gave rise to the convocation of the Thirteenth Meeting of Ministers of Foreign Affairs,

THE THIRTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

RESOLVES:

1. To congratulate and commend the governments of El Salvador and Honduras on their signature of the General Treaty of Peace concluded in Lima on October 30, 1980.

2. To reaffirm that peaceful settlement of any disputes, regardless of their nature, that may arise between member states is one of the fundamental bases of the inter-American system and, as such, one of the essential purposes of the Organization of American States.

21. Fourteenth Meeting of Consultation of Ministers of Foreign Affairs, Washington, D.C., Jan. 30, 1971

RESOLUTION

(Approved by the Plenary Session of the Fourteenth Meeting of Consultation held on January 31, 1971)

WHEREAS:

Article 3.b of the Charter of the Organization of American States establishes that:

> "International order consists essentially of respect for the personality, sovereignty, and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law";

Article 19 of the Charter states that:

> "No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind";

The position of Ecuador is that without violating any rule whatsoever of international law, and in the exercise of its sovereignty, it has fixed the extent of its territorial sea at 200 nautical miles and therefore, according to Ecuadorian law, foreign boats may not fish within those 200 nautical miles without a license or registration issued by the Ecuadorian Government;

The position of the United States of America is that under international law coastal states' exclusive fishing jurisdiction may not extend more than 12 miles off their coast;

There has arisen a state of uneasiness with respect to this matter,

THE FOURTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

RESOLVES:

1. To urge the Parties to avoid the aggravation of their differences.

2. To urge the Parties to use the negotiations in which they have shown special interest.

3. To urge the Member States that in their reciprocal relations they observe strictly the principles of the Charter of the Organization of American States and abstain from the use of any kind of measure that may affect the sovereignty of the States and the tranquility of the Hemisphere.

22. Fifteenth Meeting of Consultation of Ministers of Foreign Affairs, Quito, Ecuador, Nov. 8-12, 1974*

WHEREAS:

The Permanent Council of the Organization of American States, by resolution CP/RES. 117 (133/74) of September 20, 1974, which was approved unanimously, convoked this Meeting so that the Organ of Consultation of the Inter-American Treaty of Reciprocal Assistance, in strict observance of the principle of nonintervention by one state in the affairs of other states, and bearing in mind the change in the circumstances that existed when the measures against the Government of Cuba were adopted, might decide whether there is justification for discontinuing the application of Resolution I of the Ninth Meeting of Consultation of Ministers of Foreign Affairs, held in Washington, D.C., in 1964; and

The Ministers of Foreign Affairs and the Special Delegates have stated the positions of their respective governments with regard to the subject matter of the resolution convoking the meeting,

THE FIFTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS, SERVING AS ORGAN OF CONSULTATION IN APPLICATION OF THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE,

RESOLVES:

1. To discontinue the application of Resolution I of the Ninth Meeting of Consultation of Ministers of Foreign Affairs, held in Washington, D.C., in 1974.

2. To request the governments of the American states faithfully to observe the principle of nonintervention and to abstain from any act inconsistent therewith.

3. To transmit the text of the present resolution to the Security Council of the United Nations.

When this draft resolution was put to a vote at the fifth session of the General Committee held on November 12, 1974, the results were as follows: Honduras, Costa Rica, Argentina, Colombia, El Salvador, Venezuela, Ecuador, Trinidad and Tobago, Mexico, Peru, Panama and the Dominican Republic voted in favor; Uruguay, Chile and Paraguay voted against; and the United States, Guatemala, Bolivia, Brazil, Nicaragua and Haiti abstained. Consequently, the majority vote required for approval, in accordance with the Inter-American Treaty of Reciprocal Assistance, was not obtained.

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*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume III, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1977

23. Sixteenth Meeting of Consultation of Ministers of Foreign Affairs, San Jose, Costa Rica, July 29, 1975*

Resolution Adopted by the 16th Meeting of Consultation of Ministers of Foreign Affairs, San José, July 29, 1975

FREEDOM OF ACTION OF THE STATES PARTIES TO THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE TO NORMALIZE OR CONDUCT THEIR RELATIONS WITH THE REPUBLIC OF CUBA AT THE LEVEL AND IN THE FORM THAT EACH STATE DEEMS ADVISABLE

The Sixteenth Meeting of Consultation of Ministers of Foreign Affairs, acting as Organ of Consultation, in application of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty),

CONSIDERING:

That the States Parties to the Rio Treaty have reiterated their adherence to the principles of inter-American solidarity and cooperation, nonintervention, and reciprocal assistance set forth in the Rio Treaty and the Charter of the OAS and

DESIRING:

To further inter-American relations in the broadest possible sense,

RESOLVES:

1. To solemnly reaffirm the principle of nonintervention and to call upon the States Parties to ensure its observance in this hemisphere, in accordance with the Charter of the Organization, for which purpose they once again proclaim their solidarity and reiterate their will to constantly cooperate with a view to fully achieving the goals of a policy of peace.

2. To leave the States Parties to the Rio Treaty free to normalise or conduct in accordance with the national policy and interests of each their relations with the Republic of Cuba at the level and in the form that each State deems advisable.

3. To transmit the text of this resolution to the Security Council of the United Nations.

*Source: Collective Security and the Inter-American System, Office of the Historian, United States Department of State, Bureau of Public Affairs, 1985

24. Seventeenth Meeting of Consultation of Ministers of Foreign Affairs, Washington, D.C., September 1978, June 1979*

RESOLUTION

(Approved at the second plenary session,
(held on September 23, 1978)

WHEREAS:

At its meeting on September 15, 1978, the Permanent Council decided to form an Ad Hoc Committee of Observers to verify the events brought to its attention by the governments of Costa Rica and Nicaragua;

At is meeting on September 18, 1978, the Permanent Council resolved to convoke, in accordance with the first part of Article 59 of the Charter of the Organization, a Meeting of Consultation of Ministers of Foreign Affairs to consider the serious events in the Central American regions;

Those events included regrettable incidents in that region, among them incursions by armed forces of one country into the territory of another, which create a serious risk of international conflict;

The human suffering in Nicaragua as well as in the border areas of neighboring countries appears to be of such magnitude that urgent humanitarian relief efforts are necessary to mitigate it;

The Inter-American Commission on Human Rights has accepted the invitation of the Government of Nicaragua to visit that country on October 5; and

Peaceful settlement of international disputes, nonintervention in the internal or external affairs of States, and respect for the fundamental rights of the individual are basic principles of this Organization,

THE SEVENTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

RESOLVES:

1. To urge the governments directly concerned to refrain from taking any action that might aggravate the present situation.

2. To request the General Secretariat of the Organization to consult with the governments of the region affected, with the International Committee of the Red Cross, with United Nations agencies and with other intergovernmental humanitarian organizations that are known to be working in the area, to determine what humanitarian assistance is needed to relieve the suffering in that region, and to urge the member states to give urgent and generous support to efforts that will provide such assistance.

3. To request the Permanent Council to submit to this Meeting for examination the report that the Ad Hoc Committee established by resolution CP/RES. 249 (341/78) must make to that body, and to keep that Committee in existence as long as this Meeting of Consultation remains in session, so that it may fulfill any other mission the latter may entrust to it.

4. To take note that, having accepted the invitation of the Government of Nicaragua, the Inter-American Commission on Human Rights will visit that country, and to express the hope that the Commission may, in agreement with the government corcerned, expedite its visit to Nicaragua if possible.

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*Source: OAS, Ser.F/II.17, Doc.19/78 rev. 2,
September 23, 1978; OAS, Ser.F/II.17, Doc.40/79 rev. 2,
June 23, 1979

5. To take note that, without prejudice to full observance of the principle of nonintervention, the Government of Nicaragua has stated that it is willing in principle to accept the friendly cooperation and conciliatory efforts that several member states of the Organization may offer toward establishing the conditions necessary for a peaceful settlement of the situation without delay.

6. To keep the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs in session as long as the present situation continues.

7. To request the Secretary General of the Organization to keep the Security Council of the United Nations informed of the decisions that the Meeting of Consultation takes.

RESOLUTION II

(Approved at the seventh plenary session,
held on June 23, 1979)

WHEREAS:

- The people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, and has thrown the country into a serious political, social, and economic upheaval;

- The inhumane conduct of the dictatorial regime governing the country, as evidenced by the report of the Inter-American Commission on Human Rights, is the fundamental cause of the dramatic situation faced by the Nicaraguan people and;

- The spirit of solidarity that guides Hemisphere relations places an unavoidable obligation on the American countries to exert every effort within their power, to put an end to the bloodshed and to avoid the prolongation of this conflict which is disrupting the peace of the Hemisphere;

THE SEVENTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

DECLARES:

That the solution of the serious problem is exclusively within the jurisdiction of the people of Nicaragua.

That in the view of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs this solution should be arrived at on the basis of the following:

1. Immediate and definitive replacement of the Somoza regime.
2. Installation in Nicaraguan territory of a democratic government, the composition of which should include the principal representative groups which oppose the Somoza regime and which reflects the free will of the people of Nicaragua.
3. Guarantee of the respect for human rights of all Nicaraguan without exception.
4. The holding of free elections as soon as possible, that will lead to the establishment of a truly democratic government that guarantees peace, freedom, and justice.

RESOLVES:

1. To urge the member states to take steps that are within their reach to facilitate an enduring and peaceful solution of the Nicaraguan problem on the bases set forth above, scrupulously respecting the principle of non-intervention and abstaining from any action that might be in conflict with the above bases or be incompatible with a peaceful and enduring solution to the problem.

2. To commit their efforts to promote humanitarian assistance to the people of Nicaragua and to contribute to the social and economic recovery of the country.

3. To keep the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs open while the present situation continues.

25. Eighteenth Meeting of Consultation of Ministers of Foreign Affairs

CONVOCATION OF THE EIGHTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

WHEREAS:

At its meeting on December 28, 1978, the Council took cognizance of the note from the interim Representative of Costa Rica, through which his government, on the basis of Article 28 of the Charter of the Organization of American States and Article 6 of the Inter-American Treaty of Reciprocal Assistance, requested that a Meeting of Consultation be convoked, with the immediacy the case deserves, as provided for in that Treaty, in order to take the necessary measures for the maintenance of the peace and security of the Continent (CP/doc.916/78);

The Delegation of Costa Rica stated that the facts stated to the Permanent Council "are based on statements by the President of the Republic of Nicaragua, made at the press conference in Managua on December 27, 1978, which together with other circumstances known to the Council, imply a serious threat to the peace of the Central American region and to the sovereignty and territorial integrity of Costa Rica"; and

In turn, the Ambassador, Representative of Nicaragua, expressed the points of view of his government,

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,

RESOLVES:

1. To convoke the Organ of Consultation in accordance with the provisions of Article 6 of the Inter-American Treaty of Reciprocal Assistance, which shall meet on a date and at a place that shall in due course be set, to consider the situation that has been raised.

2. To constitute itself and act provisionally as Organ of Consultation in accordance with Article 12 of the aforementioned Treaty.

3. To inform the United Nations Security Council of the text of this resolution and of all activities related to this matter.

26. Permanent Council of the OAS Acting Provisionally as Organ of Consultation, 1978*

CP/RES. 262 (362/78)

RESOLUTION ON THE SITUATION EXISTING BETWEEN COSTA RICA AND NICARAGUA

WHEREAS:

At its meeting held on December 28, 1978, the Council took cognizance of the note from the Acting Representative of Costa Rica (CP/doc.916/78) whereby his government, invoking Article 28 of the Charter of the Organization of American States and Article 6 of the Inter-American Treaty of Reciprocal Assistance, requested on an urgent basis a meeting of consultation provided for in that Treaty, for the purpose of taking the measures necessary for maintenance of the peace and security of the Continent;

At its special meeting held on December 29, 1978, the Permanent Council, through resolution CP/RES. 261 (361/78), resolved to convoke the Organ of Consultation pursuant to the provisions of Article 6 of the Inter-American Treaty of Reciprocal Assistance and to appoint itself and act provisionally as Organ of Consultation in accordance with Article 12 of that Treaty;

The Delegation of Costa Rica has stated that the facts stated to the Permanent Council "are based on statements by the President of Nicaragua, made at a press conference in Managua on December 27, 1978, which, together with other circumstances known to the Council, imply a serious threat to the peace of the Central American region and to the sovereignty and territorial integrity of Costa Rica"; and

In turn, the Ambassador, Representative of Nicaragua has expressed his government's views,

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES, ACTING PROVISIONALLY AS ORGAN OF CONSULTATION,

RESOLVES:

1. To reaffirm that the principle of prohibiting threats and the use of force in international relations, established

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*Source: Inter-American Treaty of Reciprocal Assistance, Applications, Volume III, Part Two, Prepared by the Department of Legal Affairs, General Secretariat, OAS, 1982

TAKING INTO ACCOUNT the statement by the Special DZlegate of Brazil "on behalf of the Governments of Argentina, Brazil, Chile, and the United States on the work they are doing with the consent of Ecuador and Peru", and

HAVING HEARD the statements by the Ministers of Foreign Affairs of Ecuador and Peru on the events that occurred in the Ecuadorian-Peruvian border area,

REAFFIRMS:

The principles and purposes set forth in the Charter of the Organization of American States to strengthen the peace and security of the hemisphere, and the need to maintain a permanent climate of understanding and friendship among the nations of the Americas;

STATES:

That the Organization of American States has the ineluctable obligation to watch over the preservation, maintenance, and consolidation of peace in the hemisphere,

RESOLVES:

1. To note with regret that armed confrontations have taken place between member states of the Organization, disrupting the peace and security of the hemisphere.

2. To receive with satisfaction the announcement by the two governments of the cease-fire in the zone of the conflict, as confirmed to this Meeting by their Foreign Ministers.

3. To urge both countries to demobilize and disperse their forces and dismantle, as soon as possible, the military operations conducted as a result of the confrontations, restricting themselves to maintaining normal border-patrol troops.

4. To express its satisfaction with the solemn commitment made by both countries to this Meeting of Consultation, as a genuine representation of the peoples and governments of the Americas, to reestablish and consolidate the peace and avoid any act that might endanger that peace, and to make every effort to overcome the present difficulties.

5. To take note that both countries have accepted the visit of a Committee composed of representatives of Argentina, Brazil, Chile, and the United States, which is now in operation, to monitor observance of the cease-fire, and to create conditions of peace between them; and to express its thanks for the work done by the countries mentioned.

6. To reiterate the vigilant presence of the Organization of American States for the maintenance and strengthening of peace, and to contribute to understanding between the two countries.

7. To instruct the Permanent Council to remain informed of the actions that both governments take in compliance with the high purposes indicated herein.

in Article 1 of the Rio Treaty, Article 21 of the Charter of the OAS, and Article 2, paragraph 4, of the Charter of the United Nations, constitutes the essence of peaceful and harmonious coexistence among the countries of the Continent, reaffirmed in the specific case of Costa Rica and Nicaragua through the Pact of Amity of February 21, 1949, and the additional Agreement of January 9, 1956, which establish obligations of singular importance, to the benefit of both countries.

2. To request the Republic of Nicaragua to refrain from any threat, act of aggression, or use of armed force against the Republic of Costa Rica and to take the steps necessary to normalize commercial border traffic with Costa Rica and the passage of persons.

3. To urge the governments concerned to refrain from making statements or taking actions that violate the principles set forth in paragraph 1 of this resolution, or that tend to aggravate the existing tense situation.

4. To ask the Permanent Council to speed up the appointment of the Committee of Civilian Observers established through resolution CP/RES. 259 (356/78), so that it will travel as soon as possible to the border between Costa Rica and Nicaragua.

27. Nineteenth Meeting of Consultation of Ministers of Foreign Affairs, Washington, DC, Feb. 2-4, 1981*

CESSATION OF THE MILITARY OPERATIONS IN THE PERUVIAN-ECUADORIAN BORDER AREA IN THE EL CONDOR MOUNTAIN RANGE, AND MAINTENANCE OF PEACE

THE NINETEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

HAVING SEEN the agenda of this Meeting, entitled "Cessation of the military operations in the Peruvian-Ecuadorian border area in the El Condor mountain range, which were the reasons for convening the Nineteenth Meeting of Consultation of Ministers of Foreign Affairs, and maintenance of peace";

CONSIDERING:

That at the request of Ecuador, the Permanent Council convoked the Nineteenth Meeting of Consultation with the urgency required, in accordance with resolution CP/RES. 323 (450/81) of January 29, 1981;

That the basic purpose of the Organization of American States is to strengthen the peace and security of the hemisphere;

That in that same resolution, the Permanent Council expressed "its deep concern over the circumstances that have arisen, which disturb the friendship and solidarity of two sister nations," and urged "the governments to refrain from taking any action that could aggravate the situation"; and

That the information from the governments of Argentina, Brazil, Chile, and the United States announcing the cease-fire achieved through their intervention with the governments of Ecuador and Peru was confirmed to this Meeting by the Ministers of Foreign Affairs of the two countries, with the clarifications they felt pertinent;

*Source: Nineteenth Meeting of Consultation of Ministers of Foreign Affairs, Final Act, General Secretariat of the OAS, Ser.C/II.19

Thereupon, the third plenary session (Doc.25/81), in which the Final Act of the Meeting was approved, was held.

The closing session (Doc.26/81), in which this Final Act was signed, was then held.

IN WITNESS WHEREOF, the Members of the Nineteenth Meeting of Consultation of Ministers of Foreign Affairs sign this Final Act at the seat of the Permanent Council of the Organization, Washington, D.C., in the four official languages of the Organization, on this fourth day of February, nineteen hundred eighty-one.

The Secretary General shall deposit the original of the Final Act in the archives of the General Secretariat in Washington, D.C., which shall send certified copies to the governments of the member states of the Organization.

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28. Twentieth Meeting of Consultation of Ministers of Foreign Affairs, Washington, D.C., April-May 1982*

RESOLUTION II

SERIOUS SITUATION IN THE SOUTH ATLANTIC

(Approved at the fourth plenary session,
held on May 29, 1982)

WHEREAS:

Resolution I of the Twentieth Meeting of Consultation of Ministers of Foreign Affairs, adopted on April 28, 1982, decided "to keep the Twentieth Meeting of Consultation open, especially to oversee faithful compliance with this resolution, and to take such additional measures as are deemed necessary to restore and preserve peace and settle the conflict by peaceful means";

That resolution urged the Government of the United Kingdom "immediately to cease the hostilities it is carrying on within the security region defined by Article 4 of the Inter-American Treaty of Reciprocal Assistance, and also to refrain from any act that may affect inter-American peace and security," and urged the Government of the Republic of Argentina "to refrain from taking any action that may exacerbate the situation";

The same resolution urged the governments of the United Kingdom and the Argentine Republic "to call a truce that will make it possible to resume and proceed normally with the negotiation aimed at a peaceful settlement of the conflict, taking into account the rights of sovereignty of the Republic of Argentina over the Malvinas Islands and the interests of the islanders";

While the Government of the Argentine Republic informed the Organ of Consultation of its full adherence to Resolution I and acted consistently therewith, the British forces proceeded to carry out serious and repeated armed attacks against the Argentine Republic in the zone of the Malvinas Islands, within the security region defined by Article 4 of the Inter-American Treaty of Reciprocal Assistance, which means that the United Kingdom has ignored the appeal made to it by the Twentieth Meeting of Consultation;

*Source: OAS, Ser.F/II.20, Doc.80/82 rev. 2,
May 29, 1982

Following the adoption of Resolution I, the Government of the United States of America decided to apply coercive measures against the Argentine Republic and is giving its support, including material support, to the United Kingdom, which contravenes the spirit and the letter of Resolution I;

As a culmination of its repeated armed attacks, beginning on May 21, 1982, the British forces launched a broad-scale military attack against the Argentine Republic in the area of the Malvinas Islands which affects the peace and security of the hemisphere;

The deplorable situation raised by the application of political and economic coercive measures that are not based on present international law and are harmful to the Argentine people, carried out by the European Economic Community--with the exception of Ireland and Italy--and by other industrialized states, is continuing; and

The purpose of the Inter-American Treaty of Reciprocal Assistance is to "assure peace, through adequate means, to provide for effective reciprocal assistance to meet armed attacks against any American State, and in order to deal with threats of aggression against any of them,"

THE TWENTIETH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

RESOLVES:

1. To condemn most vigorously the unjustified and disproportionate armed attack perpetrated by the United Kingdom, and its decision, which affects the security of the entire American hemisphere, of arbitrarily declaring an extensive area of up to 12 miles from the American coasts as a zone of hostilities, which is aggravated by the circumstance that when these actions were taken all possibilities of negotiation seeking a peaceful settlement of the conflict had not been exhausted.

2. To reiterate its firm demand upon the United Kingdom that it cease immediately its acts of war against the Argentine Republic and order the immediate withdrawal of all its armed forces detailed there and the return of its task force to its usual stations.

3. To deplore the fact that the attitude of the United Kingdom has helped to frustrate the negotiations for a peaceful settlement that were conducted by Mr. Javier Pérez de Cuéllar, the Secretary General of the United Nations.

4. To express its conviction that it is essential to reach with the greatest urgency a peaceful and honorable settlement of the conflict, under the auspices of the United Nations, and in that connection, to recognize the praiseworthy efforts and good offices of Mr. Javier Pérez de Cuéllar, the Secretary General of the United Nations, and to lend its full support to the task entrusted to him by the Security Council.

5. To urge the Government of the United States of America to order the immediate lifting of the coercive measures applied against the Argentine Republic and to refrain from providing material assistance to the United Kingdom, in observance of the principle of hemispheric solidarity recognized in the Inter-American Treaty of Reciprocal Assistance.

6. To urge the members of the European Economic Community, and the other states that have taken them, to lift immediately the coercive economic or political measures taken against the Argentine Republic.

7. To request the states parties of the Rio Treaty to give the Argentine Republic the support that each judges appropriate to assist it in this serious situation, and to refrain from any act that might jeopardize that objective.

If necessary, such support may be adopted with adequate coordination.

8. To reaffirm the basic constitutional principles of the Charter of the Organization of American States and of the Inter-American Treaty of Reciprocal Assistance, in particular those that refer to peaceful settlement of disputes.

9. To keep the Organ of Consultation available to assist the parties in conflict with their peace-making efforts in any way it may support the mission entrusted to the United Nations Secretary General by the Security Council, and to instruct the President of the Meeting of Consultation to keep in continuous contact with the Secretary General of the United Nations.

10. To keep the Twentieth Meeting of Consultation open to see to it that the provisions of this resolution are faithfully and immediately carried out and to take, if necessary, any additional measures that may be agreed upon to preserve inter-American solidarity and cooperation.

V. OTHER ORGANIZATIONS RELATED TO LATIN AMERICA AND THE CARIBBEAN **

A. United Nations-Related

1. UN Economic Commission for Latin America and the Caribbean (ECLAC) *

Address:

Edificio Naciones Unidas, Avenida Dag Hammarskjold,
Casilla 179D, Santiago, Chile

Telephone / Telex:

485051 / 340925

The UN Economic Commission for Latin America was founded in 1948 to co-ordinate policies for the promotion of economic development in the Latin American region. In 1984, the title, "Economic Commission for Latin America and the Caribbean" was adopted.

ECLAC collaborates with regional governments in the investigati and analysis of regional and national economic problems, and provides guidance in the formulation of development plans. Many of its activities are undertaken in co-operation with other UN agencies.

Members:

Antigua and Barbuda
Argentina
Bahamas
Barbados
Belize
Bolivia
Brazil
Canada
Chile
Colombia
Costa Rica
Cuba
Dominica
Dominican Republic
Ecuador
El Salvador
France
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Netherlands
Nicaragua
Panama
Paraguay
Peru
Portugual
Saint Christopher and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Spain
Suriname
Trinidad and Tobago
United Kingdom
United States
Uruguay
Venezuela

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* Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986.

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2. WHO Regional Office for the Americas
Pan American Health Organization (PAHO)*

Address:

525 Twenty-third St. N.W., Washington, D.C., 20037,
United States of America

Telephone:

202/861-3200

The fundamental mission of PAHO is to cooperate with Member Governments in solving the health problems in their respective countries. PAHO's efforts revolve around management of knowledge, coupled with the mobilization of national technological, scientific, human, institutional and financial resources.

PAHO is composed of 38 Member Governments and three participating European governments that have territories in the Western Hemisphere. It is funded largely by its Member Countries. PAHO's supreme governing body is the Pan American Sanitary Conference, which is composed of representatives of all Member States. The conference meets every four years to define PAHO's general policies and to elect the director of the Pan American Sanitary Bureau, PAHO's operating arm.

The Pan American Health Organization was founded in Washington, D.C. in 1902 as the International Sanitary Bureau. Its initial objective was to promote and protect health in its Member Countries in order to eliminate diseases and expedite commerce. After World War II, PAHO became the regional office of the World Health Organization (WHO), but retained recognition by the OAS as the specialized inter-American organization in health. It thus functions as a component of both the United Nations and the inter-American system.

Members:

All the independent states in the Americas and three participating European governments that have territories in the Western Hemisphere (France, Kingdom of the Netherlands, and the United Kingdom).

*Source: Pan American Health Organization

B. OAS-Related

1. Inter-American Development Bank*

Address:

808 Seventeenth St., NW, Washington, D.C., 20577, United
States of America

The Bank was founded in 1959 to promote the individual and collective development of member countries through the financing of economic and social projects and the provision of technical assistance.

Loans are made to governments, and to public and private bodies for specific economic projects. They are repayable in the currencies lent and their terms range from 10 to 25 years.

The Fund for Special Operations enables the Bank to make concessional loans for economic and social projects where circumstances call for special treatment, such as lower interest rates and longer repayment terms than those applied to loans from the ordinary resources. Several donor countries have placed sums under the Bank's administration for assistance to Latin America, outside the framework of the ordinary resources and the Bank's Special Operations.

A special program provides financing for small projects run by, for example, co-operatives or local producers' associations, which would normally fail to obtain credit from conventional sources.

All the powers of the Bank are vested in a Board of Governors, consisting of one Governor and one alternate appointed by each member country.

Members:

Argentina
Austria
Bahamas
Barbados
Belgium
Bolivia
Brazil
Canada
Chile
Colombia
Costa Rica
Denmark
Dominican Republic
Ecuador
El Salvador
Finland
France
Germany, Federal Republic
Guatemala
Guyana
Haiti
Honduras
Israel
Italy
Jamaica
Japan
Mexico
Netherlands
Nicaragua
Panama
Paraguay
Peru
Portugal
Spain
Suriname
Sweden
Switzerland
Trinidad and Tobago
United Kingdom
United States
Uruguay
Venezuela
Yugoslavia

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*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986,

Institute for Latin American Integration*

Address:

Calle Esmeralda 130, Piso 18, 1035 Buenos Aires, Argentina

Established in 1964 by the Board of Executive Directors of the Inter-American Development Bank, the Institute for Latin American Integration is the administrative unit of the IDB. It conducts all necessary research concerning the process of integration and it furnishes advisory services to the IDB, private institutions and governments.

Members:

Argentina
Barbados
Bolivia
Brazil
Chile
Colombia
Costa Rica
Dominican Republic
Ecuador
El Salvador
Guatemala
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
Trinidad and Tobago
Uruguay
Venezuela

*Source: Yearbook of International Organizations, 1986/87, Edited by Union of International Associates, K.G. Saur

2. Pan-American Development Foundation*

Address:

1889 F. St., N.W., Washington, D.C., 20006, United States of America

Telephone:

202/458-3969

The Pan American Development Foundation (PADF) was established in 1962 by citizens of the United States, Latin America and the Caribbean as an independent, non-profit organization.

PADF's objective is to strengthen the ability of the private sector of Latin America and the Caribbean to participate in economic and social development programs. The principal focus of PADF's program activity is to provide the enterprising poor with opportunities to begin or expand microbusinesses or agricultural pursuits which result in employment, productivity and income benefits. PADF programs address health, vocational training, reforestation, and other development needs.

*Source: Pan American Development Foundation

3. Inter-American Travel Congresses *

Address:

1889 F. St. N.W., Second Floor, Washington, D.C.,
20006, United States of America

The Inter-American Travel Congresses are a permanent series of specialized conferences organized by the OAS. The first Inter-American Travel Congress was celebrated in April, 1939 in San Francisco, California.

The representatives to the Congress are officials of the National Tourism Offices of the member states of the OAS. The Permanent Executive Committee of the Congress is scheduled to meet every year to oversee the work done on the resolutions passed by the last Congress. The Executive Secretariat for Economic and Social Affairs is the Permanent Secretariat of the Congress and is charged with producing the working papers and implementing the resolutions passed by the Congress.

The Inter-American Travel Congress serves as a forum for discussing and analyzing problems and needs confronting the tourism industry, and formulating relevant strategies and policies for its development. The Congress aids and promotes, by all means at its disposal, the development and progress of tourist travel in the American continent.

Members:

Member States of the OAS

*Source: Department of Regional Development, OAS

4. Inter-American Institute of Capital Markets*

Address:

Apdo 1766, Caracas 1010-A, Venezuela

Founded under the joint sponsorship of the OAS and the Venezuelan government in 1977, the Inter-American Institute of Capital Markets assists member countries in the development of their capital markets.

*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986

5. Pan American Highway Congress *

Address:

1889 F. St. N.W., Washington, D.C., 20006, United States
of America

Telephone:

202/458-3193

The Pan American Highway Congress was established in 1925 by a merger with the Pan American Highway Finance Committee. It became a specialized conference of the OAS in 1954. Its objectives are to aid and promote highway development and progress in the Western Hemisphere; to study the planning, financing, design, construction, maintenance and use of the highways and related work in the American Hemisphere; to encourage studies that will make possible the development of highway networks and their links with other means of communications and transportation; to foster the unification of traffic regulations in all American countries; and to serve as the principal advisory body to the OAS in all matters relating to highways in the American Hemisphere.

The Pan Amerian Highway Congress' main authority is vested in the Executive Committee of representatives of member Governments, which is elected every four years.

Members:

Argentina
Barbados
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominica
Dominican Republic
Ecuador
El Salvador
Grenada
Guatemala
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
St. Lucia
Suriname
Trinidad and Tobago
United States
Uruguay
Venezuela

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* Source: Yearbook of International Organizations, 1986/87, K.G. Saur, Edited by Union of International Associations, 40 rue Washington, B-1050 Brussels, Belgium.

C. Regional Integration Associations

1. Latin American Integration Association*

Address:

Cebollati 1461, Casilla de Correo 577, Montevideo, Uruguay

Telephone / Telex:

40 11 21-28 / 32 6944

The Latin American Integration Association (LAIA) was established in August, 1980, to replace the Latin American Free Trade Association (LAFTA), set up in February, 1960.

LAFTA was an intergovernmental organization, created by the Treaty of Montevideo with the object of increasing trade between the Contracting Parties and of promoting regional integration, thus contributing to the economic and social development of the member countries. The Treaty provided for the gradual establishment of a free trade area, which would form the basis for a Latin American Common Market. Reduction of tariff and other trade barriers was to be carried out gradually up to 1980.

More flexible than LAFTA, LAIA envisaged an area of economic preferences, taking into account the different stages of development of the members, and with no definite timetable for the establishment of a full common market.

Members:

Argentina
Bolivia
Brazil
Chile
Colombia
Ecuador
Mexico
Paraguay
Peru
Uruguay
Venezuela

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*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986

2. Central American Common Market (CACM) *

Address:

4a Avenida 10-25 Zona 14, Apdo postal 1237, Guatemala
City, Guatemala

Telephone / Telex:

682151 / 5676

The Central American Common Market (CACM) was established by the Organization of Central American States under the General Treaty of Central American Economic Integration signed in Managua on December 15, 1960.

The General Treaty envisaged the eventual liberalization of intra-regional trade and the establishment of a free-trade area and a customs union. The Permanent Secretariat of the General Treaty of Central American Economic Integration (SIECA) supervises the implementation of the legal instruments of economic integration and carries out relevant studies at the request of the CACM. There are departments of industry, agriculture, taxes and tariffs, physical integration, commercial policy, statistics, economic and social programs, finance and administration, and science and technology. SIECA also gives technical assistance to governments in improving their transport systems.

Members:

Costa Rica
Guatemala
El Salvador
Honduras
Nicaragua

3. Andean Group *

Address:

Av. Paseo de la Republica 3895, Casilla de Correo 3237,
Lima 100, Peru

Telephone / Telex:

414242 / 20104

Also known as the Cartagena Agreement (from the agreement establishing it in 1969) and as the Andean Pact, the Andean Group's objectives are to promote development of the member states through economic and social integration.

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*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986

In May, 1979, at Cartagena, Colombia, the Presidents of the five member countries signed the "Mandate of Cartagena" which called for greater economic cooperation in the 1980s, including the establishment of more sub-regional development programs.

Members:

Bolivia
Colombia
Ecuador
Peru
Venezuela
(Chile withdrew from the group in January, 1977)

*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986

4. Caribbean Community and Common Market (CARICOM)*

Address:

Bank of Guyana Building, PO Box 10827, Georgetown, Guyana

Telephone / Telex:

69281-9 / 2263 CARISEC GY

The Caribbean Community and Common Market (CARICOM) was formed by the Treaty of Chaguaramas in 1973. CARICOM replaced the Caribbean Free Trade Association (CARIFTA), founded in 1965.

The objectives of CARICOM are to develop economic cooperation through the Caribbean Common Market, to coordinate foreign policy among the Member States, and to provide common services and to cooperate in functional matters such as health, education and culture, communications, and industrial relations. The Secretariat and the Caribbean Development Bank carry out research on the best means of facing economic difficulties.

Members:

Antigua and Barbuda
Bahamas
Barbados
Belize
Dominica
Grenada
Guyana
Jamaica
Montserrat
Saint Christopher and Nevis
Saint Lucia
St. Vincent and the Grenadines
Trinidad and Tobago

*Source: Caribbean Community Secretariat, CARICOM

D. Economic Cooperation Associations

1. Andean Development Corporation *

Address:

CAF Avda Luis Roche esq, 2 da Transversal los Palos
Grandes, Edif Torre Central 5-10, Urb Altamira, Apart
Correos 69011 y 69012, Caracas, Venezuela

The objective of the Andean Development Corporation is to increase integration among the member countries. The ADC was established in 1968 in Bogota. The ADC is an Andean integration organ of the Cartagena Agreement.

Members:

Bolivia
Colombia
Ecuador
Peru
Venezuela
(Chile withdrew from the group in October, 1977)

2. Caribbean Group for Cooperation in Economic Development *

Address:

Barclays Bank Building, Wildey Plaza, Wildey (St. Michael),
Barbados

The objective of the Caribbean Group for Cooperation in Economic Development (CGCED) is to coordinate economic development assistance in the Caribbean region. CGCED is chaired by the International Bank for Reconstruction and Development.

*Source: Yearbook of International Organizations, 1986/87, Edited by Union of International Associates, K.G. Saur

3. Latin American Economic System (SELA)*

Address:

Apto Postal 17035, Caracas 1010, Venezuela

The objectives of the Latin American Economic System are to promote economic and social development among its members, to compose a regional body as a permanent system for consultation and cooperation, and to adopt common positions and strategies on economic and social matters.

The Latin American Economic System was established in October, 1975, as a successor to the Latin American Economic Coordination Commission (CECLA).

Members:

Argentina
Barbados
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
El Salvador
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Peru
Suriname
Trinidad and Tobago
Uruguay
Venezuela

4. Central American Economic Council*

Address:

Ministry of Economy, San Jose, Costa Rica

The Central American Economic Council was established in December, 1960, within the framework of the Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA).

Members:

Costa Rica
El Salvador
Guatemala
Honduras
Nicaragua

*Source: Yearbook of International Organizations, 1986/87, Edited by Union of International Associates, K.G. Saur

E. Political/Security Organizations

1. Amazonian Cooperation Council*

The objective of the Amazonian Cooperation Council is for the establishment of closer cooperation among the Latin American countries within the Amazonian area in order to promote development. The Amazonian Cooperation Council was established in July, 1978, on ratification by the governments of six countries of the Amazonian Cooperation Treaty.

Members:

Bolivia
Brazil
Colombia
Ecuador
Guayana
Peru
Suriname
Venezuela

2. Organization of Central American States*

Address:

Oficina Centroamericana, ODECA, Paseo General Escalon,
Colonia Escalon, San Salvador, El Salvador

The objectives of the Organization of Central American States (ODECA) are to promote economic, social and cultural development of the member states, and to provide a forum for consultation to prevent misunderstandings and to ensure the pacific settlement of disputes that may arise among the member states.

ODECA was established in October, 1951 and began to function in 1955. In December, 1962, a new charter was signed in Panama, which entered into force in 1965.

Members:

Costa Rica
El Salvador
Guatemala
Honduras
Nicaragua

*Source: Yearbook of International Organizations, 1986/87, Edited by Union of International Associates, K.G. Saur

3. Organization of Eastern Caribbean States*

Address:

P.O. Box 179, Castries, St. Lucia

Telephone / Telex:

22537 / 6248

The objectives of the Organization of Eastern Caribbean States (OECS) are to promote cooperation and solidarity among members states to defend their soverignty and to promote economic development; to seek to achieve common positions on international matters; and to establish joint overseas representation and/or common services.

The OECS was established in June, 1968 as the East Caribbean Common Market, an associate institution of the Caribbean Community and Common Market (CARICOM). The OECS was transformed into its present form when amendments to the original treaty came into force in July, 1981.

Members:

Antigua and Barbuda
Dominica
Grenada
Montserrat
St. Christopher and Nevis
St. Lucia
St. Vincent and the Grenadines

*Source: Yearbook of International Organizations, 1986/87, Edited by Union of International Associates, K.G. Saur

4. Contadora Group*

On Jan. 8, 1983, the foreign affairs ministers from Colombia, Mexico, Panama and Venezuela met on the island of Contadora in Panama, with the aim of providing a forum for negotiations among the Central American nations suffering from political and military difficulties. On Jan. 9, 1983, the ministers issued a Joint Declaration in which they called upon the governments of Costa Rica, El Salvador, Guatemala, Honduras,

* The Contadora Group is not an International organization, nor does it have a pro tempore secretariat. Any information on the Contadora Group should be sought directly from each country's Foreign Affairs Ministry.
Source: Secretary of Foreign Relations, Mexico

and Nicaragua to settle their differences through political dialogue and effort.

On September 9, 1983, the representatives of the five Central American governments and the Contadora Group concluded what was called the Document of Objectives. This document is made up of a preamble of considerations and a list of 21 goals. Seeking a reduction in tensions and an end to conflict in the Central American region, the document emphasizes a ban on all forms of foreign military presence, adherence to international law, full observance of human rights, the promotion of economic and social development, and the verification of agreements necessary to attain peace, security and stability.

Five different draft treaties were proposed during the Contadora process, but none was ever signed.

The Contadora Group submitted the first draft treaty to the Central American countries in June 1984. Objections led to a revised "Contadora Act for Peace and Cooperation" which the Contadora Group presented on September 7, 1985 to the Central American governments for their "refinements" and signature. Nicaraguan announced on September 21, 1984, that it was willing to sign the revised draft treaty, as it was, if the United States would sign an appended protocol pledging to support it. But the other Central American states and the United States has substantial reservations, particularly about the security provisions.

On October 20, 1984, Costa Rica, El Salvador, and Honduras presented a third proposal, known as the Act of Tegucigalpa." This was rejected by Nicaragua. On September 12, 1985, the Contadora Group presented a revised draft treaty, which included compromise language concerning the differeing security provisions from the proposals of September 7, 1984, and October 20, 1984. Differences persisted, however. In January 1986, the foreign affairs ministers of the Contadora and Support Groups released the Caraballeda Message for Peace, Security and Democracy in Central America, which defined the basis to attain peace and proposals to achieve it.

In June 1986, the Contadora countries presented a final draft treaty to the Central Americans that attempted to resolve earlier differences. However, this final version of the "Act of Contadora for Peace and Cooperation in Central America" was never signed.

In January, 1987, the foreign affairs ministers of the Contadora and Support Groups, accompanied by the Secretary General of the United Nations and by the Secretary General of the OAS, visited the five Central American nations in an effort to continue the diplomatic initiative.

5. Contadora Support Group and Group of Eight*

In August, 1985, the Contadora Group received the backing of Argentina, Brazil, Peru and Uruguay, through the creation of what was to be known as the Contadora Support Group.

Both the Contadora Group and the Contadora Support Group encouraged negotiations among the Central American nations and between the United States and Nicaragua. They have also met on other matters, including international debt. The eight countries are often called the Group of Eight.

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*The Contadora Support Group is not an international organization, nor does it have a pro tempore secretariat. Any information on the Contadora Support Group should be sought directly from each country's Foreign Affairs Ministry.
Source: Secretary of Foreign Relations, Mexico

6. Central American Defense Council (CONDECA)*

Address:

Ministerio de la Defensa Nacional, Guatemala, Guatemala

The Central American Defense Council, (CONDECA) was established in 1963, in Guatemala, on signature of an agreement.

Members:

Costa Rica
El Salvador
Guatemala
Honduras
Nicaragua

*Source: Yearbook of International Organizations, 1986/87, Edited by Union of International Associates, K.G. Saur

F. Commodity Associations

1. Union of Banana Exporting Countries*

Address:

Apdo. 4273, Panama 5, Panama

Telephone / Telex:

636766 / 2568

The Union of Banana Exporting Countries (UPEB) was founded in 1974 as an intergovernmental agency to further the banana industry among member states.

Members:

Colombia
Costa Rica
Ecuador
Dominican Republic
Guatemala
Honduras
Nicaragua
Panama
Venezuela

*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986

2. Mutual Assistance of the Latin American Government Oil Companies*

Address:

Javier de Viana 2345, Montevideo, Uruguay

Telephone / Telex:

406993 / 6430

The objectives of the Mutual Assistance of the Latin American Government Oil Companies are to study and recommend the implementation of mutually beneficial agreements among members in order to promote technical and economic development; to further Latin American integration; to promote the interchange of technical assistance and information; and to plan congresses, lectures, and meetings concerning the oil industry.

Founded in 1965, the members are state enterprises.

Members:

Argentina
Bolivia
Brazil
Chile
Colombia
Ecuador
Mexico
Paraguay
Peru
Uruguay
Venezuela

3. International Coffee Organization*

Address:

22 Berners St., London, W1P 4DD, England

Telephone / Telex:

(01) 580-8591 / 267659

The objectives of the International Coffee Organization are to achieve a reasonable balance between supply and demand on a basis which will assure adequate supplies at fair prices to consumers, and to promote the expansion of markets, which includes research and development.

The International Coffee Organization was founded in 1963 under the International Coffee Agreement which was renegotiated in 1968, 1976 and 1983.

Members:

Fifty exporting countries accounting for over 99 percent of world coffee exports, and 25 importing countries accounting for approximately 90 percent of world imports.

4. Inter-governmental Council of Copper Exporting Countries*

Address:

39 rue de la Bienfaisance, 75008 Paris, France

Telephone / Telex:

(1) 42-25-00-24 / 649077

Founded in 1967, the objectives of the Intergovernmental Council of Copper Exporting Countries (CIPEC) are to coordinate measures designed to foster growth of earnings from copper exports and to ensure a real forecast of such earnings; to promote harmonization of the decisions and policies of the member states on problems relating to the production and marketing of copper; to obtain more complete information and advice on the production and marketing of copper for member states; and to increase resources for the economic and social development of producer countries bearing in mind the interest of consumers.

Members:

Chile
Indonesia
Peru
Zaire
Zambia

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*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986

5. Group of Latin American and Caribbean Sugar Exporting Countries*

Address:

Ejercito Nacional 373, Tercer piso, Mexico, D.F.

Telephone / Telex:

250-7566, 250-7274, 250-7591 / 01771042 GEPME

The objectives of the Group of Latin American and Caribbean Sugar-Exporting Countries (GEPLACEA) are to promote the adoption of common positions among member countries; to foster solidarity; to coordinate policies designed to achieve fair, remunerative price levels; to strengthen the cooperation among the bodies and agencies in charge of implementing foreign marketing policies in member countries; and to promote the exchange of scientific and technological knowledge in the spheres of agriculture, use of cane by-products and the sugar production process.

Made up of an Assembly and a Secretariat, GEPLACEA acts as a body for consultation, co-ordination and exchange of information for member countries on issues related to production and marketing of sugar and its derivatives.

Members:

Argentina
Barbados
Bolivia
Brazil
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
El Salvador
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Peru
Trinidad and Tobago
Venezuela

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*Source: Group of Latin American and Caribbean Sugar Exporting Countries

6. Association of Iron Ore Exporting Countries*

Address:

Le Chateau, 2 bis chemin Auguste Vilbert, 1218 Grand-Saconnex, Geneve, Switzerland

Telephone:

022/98 29 55, 98 29 56

The agreement establishing the Association of Iron Ore Exporting Countries (APEF) entered into force in October, 1975. The objectives of APEF are to promote close cooperation among member countries with a view to safeguarding their interests in relation to the iron ore export industry; to ensure the orderly and healthy growth of export trade in iron ore; to assist member countries to secure fair and remunerative returns from the exploitation, processing and marketing of iron ore with a view to improving their export earnings and terms of trade; to contribute to the economic and social development of member countries; to encourage further processing of iron ore in member countries, including iron and steel; and to provide for the exchange of information and consultations on problems relating to the iron ore export industry.

Members:

Algeria
Australia
India
Liberia
Mauritania
Peru
Sierra Leone
Sweden
Venezuela

*Source: The Association of Iron Ore Exporting Countries

7. International Bauxite Association*

Address:

67 Knutsford Blvd., P.O. Box 551, Kingston, Jamaica

Telephone / Telex:

92-64535 / 2428

The International Bauxite Association was founded in 1974 to promote the development of the bauxite industry. Its objectives are to promote coordination of policies of the producing countries and to ensure a fair price for exports of bauxite.

Members:

Australia
Dominican Republic
Ghana
Guinea
Guyana
India
Indonesia
Jamaica
Sierra Leone
Suriname
Yugoslavia

*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986

8. Organization of Petroleum Exporting Countries (OPEC)*

Address:

Obere Donaustrasse 93, 1020 Vienna, Austria

Telephone / Telex:

(0222) 26-55-11 / 134474

The Organization of Petroleum Exporting Countries (OPEC) was established in 1960 to link countries whose main source of export earnings is petroleum. OPEC's objectives are to unify and coordinate members' petroleum policies and to safeguard their interests.

The supreme authority for OPEC is its Conference, which is responsible for the formulation of general policy. The Conference consists of representatives of Member Countries, who examine reports and recommendations submitted by its management board, the Board of Governors.

The OPEC Fund for International Development is a multilateral agency for financial cooperation and assistance. Its objective is to reinforce financial cooperation between OPEC member countries and other developing countries through the provision of financial support to assist in economic and social development.

Members:

Algeria
Ecuador (joined in 1973)
Gabon
Indonesia
Iran
Iraq
Kuwait
Libya
Nigeria
Qatar
Saudi Arabia
United Arab Emirates
Venezuela

*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986

9. International Sugar Organization (ISO)*

Address:

28 Haymarket, London, SW1Y 4SP, United Kingdom

Telephone / Telex:

930-3666 / 24143

Established as a successor to the International Sugar Council, the International Sugar Organization (ISO) administers the International Sugar Agreement. The Agreement was designed to stabilize the price of sugar within a given range. Following failure of the United National Sugar Conference in 1983-84 to negotiate a new agreement, the purpose of the ISO is to administer a two-year administrative agreement, the 1984 International Sugar Agreement, the objectives of which are to further international cooperation in sugar matters and to provide a framework for possible negotiations of a new economic agreement.

The ISO also assembles statistical and other data relating to sugar and supplies information to the delegations, other organizations and the general public.

Members:

52 countries and the European Economic Community (including):
Argentina
Barbados
Bolivia
Brazil
Belize
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
El Salvador
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
St. Christopher and Nevis
Trinidad and Tobago

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*Source: Yearbook of International Organizations, 1986/87, Edited by Union of International Associates, K.G. Saur

G. Other Organizations

1.a. Inter-American Commercial Arbitration Commission *

Address:

1889 F. St., N.W., Suite 400-D, OAS Secretariat Building,
Washington, D.C., 20006, United States of America

Telephone / Telex:

202/458-3444 / 64128 ANSWERBACK 64128 OAS

Established in 1934 as a result of Resolution XLI of the Seventh International Conference of American States, the Inter-American Commercial Arbitration Commission (IACAC) maintains and administers a system throughout the Western Hemisphere for the settlement, by arbitration or conciliation, of international commercial disputes. Working in cooperation with its National Sections, the Commission provides service to parties who request conciliation or arbitration in accordance with the Rules of the Commission. Arbitrations are conducted by arbitrators who are specially selected by the parties or by the Commission in accordance with the IACAC Rules of Procedure, utilizing existing panels of qualified individuals who render awards on the merits of the disputes.

The Commission is composed of a delegate and an alternate delegate from each of the National Sections of the Commission established in almost all of the countries in the Western Hemisphere. The Commission is supported financially by case fees, as well as by contributions from National Sections, interested organizations and institutions.

Members (Countries which have ratified the Inter-American Convention on International Commercial Arbitration as of February, 1987):

Chile
Colombia
Costa Rica
El Salvador
Honduras
Mexico
Panama
Paraguay
Uruguay
Venezuela

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*Source: The Inter-American Commercial Arbitration Commission

1.b. Latin American Association of Development Financing Institutions*

Address:

P.O. Box 3988, Lima, Peru

Founded in 1968, the objective of the Latin American Association of Development Financing Institutions is to promote cooperation among regional development financing bodies.

Members:

About 190 financing institutions and development organizations in 27 countries

2.a. Caribbean Tourism Association*

Address:

20 East 46th St., New York, New York, 10017, United States of America

Telephone / Telex:

212/682-0435 / 666916

Founded in 1951, the objective of the Caribbean Tourism Association (CTA) is to encourage and assist devlopment in the Caribbean region through tourism.

Members:

27 Caribbean governments and about 350 allied members

*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986

2.b. Postal Union of the Americas and Spain*

Address:

Calle Cebollati 1468/70, Casilla de Correos 20042,
Montevideo, Uruguay

Telephone:

40 00 70

The Postal Union of the Americas and Spain was established to extend, facilitate, and perfect the postal relations of the member states, and to promote solidarity of action in the universal postal congresses in the common interests of the members with regard to communications by mail.

The first inter-American postal organization, the South American postal Union, was established by the 10 South American states in accordance with the South American Postal Convention, signed February 2, 1911, at Montevideo. The South American Postal Union became the Pan American Postal Union, pursuant to the Pan American Postal Convention, signed September 15, 1921. Spain became a member in 1924 and in 1931 the name of the Union was changed to the Postal Union of the Americas and Spain.

Members:

Argentina
Bolivia
Brazil
Canada
Chile
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
El Salvador
Guatemala
Haiti
Honduras
Mexico
Nicaragua
Panama
Paraguay
Peru
Spain
United States
Uruguay
Venezuela

*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986; Inter-American Relations: A Collection of Documents, Legislation, Descriptions of Inter-American Organizations, and Other Material Pertaining to Inter-American Affairs, Committee Print, House Committee on Foreign Affairs, November, 1973

2.c. Pan American Railway Congress Association*

Address:

Avenida 9 de Julio 1925, Piso 13, 1332 Buenos Aires,
Argentina

Telephone / Telex:

38 4625 / 0122507

The objective of the Pan American Railway Congress Association, founded in 1907 and amended to its present form in 1941, is to promote the development and progress of railways in the American continent.

Members:

Government representatives, railway enterprises and individuals in 26 countries

2.d. Inter-American Tropical Tuna Commission*

Address:

c/o Scripps Institution of Oceanography, La Jolla,
California, 92093, United States of America

Telephone:

619/546-7100

The Inter-American Tropical Tuna Commission (IATTC) operates under the authority and direction of a convention originally entered into by the governments of Costa Rica and the United States. The Convention, which came into force in 1950, is open to adherence by other governments whose nationals participate in the fisheries for tropical tunas in the eastern Pacific Ocean.

The objectives of the IATTC are to study the biology of, and the effects of fishing and natural forces on, the tropical tunas, tuna baitfishes, and other kinds of fish taken by tuna vessels in the eastern Pacific Ocean, and to recommend appropriate conservation measures, when necessary, so that these stocks of fish can be maintained at levels which will afford the maximum sustained catches. In 1976, the IATTC objectives were broadened to include dealing with problems arising from the tuna-dolphin relationship in order to assure the survival of the dolphins.

Members:

France
Japan
Nicaragua
Panama
United States

*Source: Inter-American Tropical Tuna Commission

2.e. Permanent Secretariat of the South American Agreement on Narcotic Drugs and Psychotropic Substances*

Address:

Combate de los Pozos 2133, Primer Piso, 1245 Buenos Aires,
Argentina

Telephone:

27 71 82 - 26 00 90

The Permanent Secretariat of the South American Agreement on Narcotic Drugs and Psychotropic Substances was established June 28, 1979 when the Agreement was adopted by the South American Plenipotentiary Conference on Narcotic Drugs and Psychotropic Substances. The objectives are to strengthen the effective application of Conventions by assisting in formation of national coordinating bodies, harmonization of national policies with internationally agreed strategies, and promotion of drug control within the general development policies of Governments; to study problems related to drug abuse and illicit trafficking; to encourage exchange of information within the region; to analyze existing legislation and attempt to obtain a degree of harmonization within the region; to coordinate control measures in accordance with Treaty obligations and promote cooperation between police and customs officials to combat illicit trafficking.

Members:

Argentina
Bolivia
Brazil
Chile
Colombia
Ecuador
Paraguay
Peru
Uruguay
Venezuela

2.f. Latin American Center for Development Administration *

Address:

Apdo Postal 4181, Caracas 1010-A, Venezuela

Established in June, 1972 by Latin American and Caribbean governments, the objectives of the Latin American Center for Development Administration are to integrate efforts towards updating and developing public administration systems; to provide a forum for exchange of knowledge and experience; to undertake and promote research and training; and to systematically disseminate information.

Members:

Argentina
Barbados
Bolivia
Chile
Colombia
Costa Rica
Dominican Republic
Ecuador
Grenada
Guatemala
Guyana
Honduras
Jamaica
Mexico
Nicaragua
Panama
Peru
Venezuela
Spain

*Source: Yearbook of International Organizations, 1986/87, Edited by Union of International Associates, K.G. Saur

2.g. International Telecommunications Union*

Address:

Place des Nations, CH-1211 Geneve 20, Switzerland

Telephone / Telex:

(41 22) 99 51 11 / 421 000 UIT CH. Fax 41 22 33 72 56

Established on May 17, 1865 as the International Telegraph Union, the International Telecommunications Union (ITU) took its present form in 1932.

The objectives of the ITU are to maintain and extend international cooperation between all Members for the improvement and rational use of telecommunications of all kinds, as well as promote and offer technical assistance to developing countries in the field of telecommunications; to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunications services, increasing their usefulness and making them, so far as possible, generally available to the public; to harmonize the actions of nations in the attainment of those ends.

The supreme authority of the ITU is the Plenipotentiary Conference, which is responsible for all policy.

Members:

160 Governments
(including):

Argentina
Bahamas
Barbados
Belize
Bolivia
Brazil
Canada
Chile
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
El Salvador
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
St. Vincent and the Grenadines
Suriname
Trinidad and Tobago
United States
Uruguay
Venezuela

*Source: Yearbook of International Organizations, 1986/87, Edited by Union of International Associates K.G. Saur

2.h. Latin-American Parliament*

Address:

Carrera 7a, No. 12-25 P. 7, Bogota, Colombia

The Latin American Parliament was established in 1965 as a permanent democratic institution. The objectives are to promote the movement towards economic, political and cultural integration of the Latin American republics, and to uphold human rights, peace and security.

Members:

Representative of all existing political trends within the national legislative bodies of Latin America

*Source: The Europa Yearbook, 1986, Europa Publications Limited, 1986

VI. GENERAL U.S. LEGISLATION RELATED TO LATIN AMERICA AND THE CARIBBEAN

A. Inter-American Development Bank

1. Inter-American Development Bank Act (Public Law 86-147, Aug. 7, 1959), as amended

Public Law 86–147 [S. 1928], 73 Stat. 299, approved August 7, 1959, as amended by Public Law 88–259 [H.R. 7406], 78 Stat. 3, approved January 22, 1964; Public Law 89–6 [H.R. 45], 79 Stat. 23, approved March 24, 1965; Public Law 90–88 [H.R. 9547], 81 Stat. 226, approved September 22, 1967; Public Law 90–325 [H.R. 15364], 82 Stat. 168, approved June 4, 1968; Public Law 91–599 [H.R. 18306], 84 Stat. 1657, approved December 30, 1970; Public Law 92–246 [S. 748], 86 Stat. 59, approved March 10, 1972; Public Law 94–302 [H.R. 9721], 90 Stat. 591, approved May 31, 1976; Public Law 95–118 [H.R. 5262], 91 Stat. 1067 at 1070, approved October 3, 1977; Public Law 96–259 [S. 662], 94 Stat. 429, approved June 3, 1980; Public Law 97–35 [H.R. 3982], 95 Stat. 357 at 744, approved August 13, 1981; Public Law 98–181 [Supplemental Appropriations Act, 1984; H.R. 3959], 97 Stat. 1153 at 1284, approved November 30, 1983; and by Public Law 100–202 [Continuing Appropriations, 1988; H.J. Res. 395], 101 Stat. 1329, approved December 22, 1987

AN ACT To provide for the participation of the United States in the Inter-American Development Bank.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Inter-American Development Bank Act".

ACCEPTANCE OF MEMBERSHIP

Sec. 2.[1] The President is hereby authorized to accept membership for the United States in the Inter-American Development Bank (hereinafter referred to as the Bank), provided for by the agreement establishing the bank (hereinafter referred to as the agreement) deposited in the archives of the Organization of American States.

GOVERNOR, ALTERNATE GOVERNOR, AND EXECUTIVE DIRECTOR

Sec. 3.[2] (a) The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank and an alternate for the governor. The term of office for the governor and the alternate governor shall be five years, but each shall remain in office until a successor has been appointed.

(b) The President, by and with the advice and consent of the Senate, shall appoint an Executive Director of the Bank and an alternate Executive Director.[3] Except as provided for in article XV, section 3, of the agreement, the term of office for the Executive Director shall be three years, but he shall remain in office until a successor has been appointed.

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[1] 22 U.S.C. 283.

[2] 22 U.S.C. 283a.

[3] The phrase "and an alternate Executive" was added by sec. 21(b) of Public Law 91-599 (84 Stat. 1658).

(c) No person shall be entitled to receive any salary or other compensation from the United States for services as a governor, alternate governor, or Executive Director.

NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS

Sec. 4.[4] The provisions of section 4 of the Bretton Woods Agreements Act, as amended (22 U.S.C. 286b), shall apply with respect to the International Bank for Reconstruction and Development and the International Monetary Fund. Reports with respect to the Bank under paragraphs (5) and (6) of subsection (b) of section 4 of said Act, as amended, shall be included in the first report made thereunder after the establishment of the Bank and in each succeeding report.

CERTAIN ACTS NOT TO BE TAKEN WITHOUT AUTHORIZATION

Sec. 5.[5] Unless Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States, (a) subscribe to additional shares of stock under article II, section 3, or article IIA, section 2,[6] of the agreement; (b) request or consent to any change in the quota of the United States under article IV, section 3, of the agreement; (c) accept any amendment under article XII of the agreement; or (d) make a loan or provide other financing to the Bank, except that loans or other financing may be provided to the Bank by a United States agency created pursuant to an Act of Congress which is authorized by law to make loans or provide other financing to international organizations. Unless Congress by law authorizes such action, no governor or alternate appointed to represent the United States shall vote for any increase of capital stock of the Bank under article II, section 2, or article IIA, section 1,[7] of the agreement of any increase in the resources of the Fund for Special Operations under article IV, section 3(g) thereof.

DEPOSITORIES

Sec. 6.[8] Any Federal Reserve bank which is requested to do so by the Bank shall act as its depository or as its fiscal agent and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

PAYMENTS OF SUBSCRIPTION

Sec. 7.[9] (a) There is hereby authorized to be appropriated, without fiscal year limitation, for the purchase of thirty-five thousand shares of capital stock in the Bank, $350 million. In addition, there is hereby authorized to be appropriated, without fiscal year limitation, for payment of the subscription of the United States to the Fund for Special Operations, $100 million.[10]

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[4] 22 U.S.C. 283b.

[5] 22 U.S.C. 283c.

[6] The words ", or article IIA, section 2," were added by sec. 103(a)(2) of Public Law 94-302.

[7] The words "or article IIA, section 1," were added by sec. 103(a)(2) of Public Law 94-302.

[8] 22 U.S.C. 283d.

[9] 22 U.S.C. 283e.

(b) For the purpose of keeping to a minimum the cost to the United States of participation in the Bank, the Secretary of the Treasury, after paying the requisite part of the subscription and quota of the United States in the Bank required to be made under article II, section 4, and article IV, section 3, respectively, of the agreement, is authorized and directed to issue special notes of the United States from time to time, at par, and to deliver such notes to the Bank in exchange for dollars to the extent permitted by the agreement. The special notes provided for in this subsection shall be issued under the authority and subject to the provisions of the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include the purposes for which special notes are authorized and directed to be issued under this subsection, but such notes shall bear no interest, shall be nonnegotiable and shall be payable on demand of the Bank. The face amount of special notes issued to the Bank under the authority of this subsection and outstanding at any one time shall not exceed, in the aggregate, the amount of the subscription and quota of the United States actually paid to the Bank under article II, section 4, and article IV, section 3, respectively, of the agreement.

(c) Any payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

JURISDICTION AND VENUE OF ACTION

Sec. 8.[11] For the purpose of any action which may be brought within the United States, its Territories or possessions, or the Commonwealth of Puerto Rico by or against the Bank in accordance with the agreement, the Bank shall be deemed to be an inhabitant of the Federal judicial district in which its principal office in the United States is located, and any such action at law or in equity to which the Bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of any such action. When the Bank is a defendant in any such action, it may, at any time before the trial thereof, remove such action from a State court into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

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[10] As of Oct. 23, 1962, Congress has appropriated the entire subscription. See the following appropriation acts: 73 Stat. 445 (1959); 75 Stat. 721 (1961) and 76 Stat. 1168.

Title II of the Foreign Aid and Related Agencies Appropriation Act, 1964, Public Law 88-258, 77 Stat. 862, approved Jan. 6, 1964, contained the following provision: "For payment of subscriptions to the Inter-American Development Bank for expansion of the Fund for Special Operations, $50,000,000 to remain available until expended: *Provided*, That this paragraph shall be effective only upon enactment into law of authorizing legislation." Sec. 2(b) of Public Law 88-259, 79 Stat. 3, approved Jan. 22, 1964, enacted such authorizing legislation.

[11] 22 U.S.C. 283f.

STATUS, IMMUNITIES AND PRIVILEGES

Sec. 9.[12] The provisions of article X, section 4(c), and article XI, sections 2 to 9, both inclusive, of the agreement shall have full force and effect in the United States, its Territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in, and the establishment of, the Bank.

SECURITIES ISSUED BY BANK AS INVESTMENT SECURITIES FOR NATIONAL BANKS

Sec. 10. The last sentence of paragraph seven of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting after the words "International Bank for Reconstruction and Development" the words "or the Inter-American Development Bank" and by striking the words "said Bank" and inserting in lieu thereof "either of said Banks".

SECURITIES ISSUED BY BANK AS EXEMPT SECURITIES; REPORT FILED WITH SECURITIES AND EXCHANGE COMMISSION

Sec. 11.[13] (a) Any securities issued by the Bank (including any guarantee by the Bank, whether or not limited in scope) in connection with raising of funds for including in the Bank's [14] capital resources as defined in article II, section 5, and article IIA, section 4,[14] of the agreement, and any securities guaranteed by the Bank as to both the principal and interest to which the commitment in article II, section 4(a)(ii), or article IIA, section 3(c),[14] of the agreement is expressly applicable, shall be deemed to be exempted securities within the meaning of paragraph (a)(2) of section 3 of the Act of May 27, 1933, as amended (15 U.S.C. 77c), and paragraph (a)(12) of section 3 of the Act of June 6, 1934, as amended (15 U.S.C. 78c). The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors.

(b) The Securities and Exchange Commission, acting in consultation with the National Advisory Council on International Monetary and Financial Problems, is authorized to suspend the provisions of subsection (a) at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this section and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

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[12] 22 U.S.C. 283g.

[13] 22 U.S.C. 283h.

[14] Sec. 103(a)(3) of Public Law 94-302 deleted the word "ordinary" following "Banks", and added the words "and article IIA, section 4," and "or article IIA, section 3(c),".

CERTAIN REPORTS REQUIRED

Sec. 12.[15] The reports of the National Advisory Council on International Monetary and Financial Problems provided for in section 4(b)(6) of the Bretton Woods Agreements Act (and referred to in section 4 of this Act) shall also cover and include the effectiveness of the provisions of section 11 of this Act and the exemption for securities issued by the Bank provided by section 5136 of the Revised Statutes in facilitating the operations of the Bank and the development of the economic resources of member countries of the Bank and the recommendations of the Council as to any modifications it may deem desirable in the provisions of this Act.

Sec. 13.[16] The United States Governor of the Bank is hereby authorized (1) to vote (A) for increases in the authorized capital stock of the Bank under article II, section 2, of the agreement, and (B) for an increase in the resources of the Fund for Special Operations under article IV, section 3, of the agreement, all as recommended by the Executive Directors in a report dated March 18, 1963, to the Board of Governors of the Bank; (2) to agree on behalf of the United States to subscribe to its proportionate share of the $1,000,000,000 increase in the authorized callable capital stock of the Bank; and (3) to vote for an amendment to article VIII, section 3, of the agreement to provide that the Board of Governors may, upon certain conditions, increase by one the number of Executive Directors.

AUDIT

Sec. 14.[17] (a) The Secretary of the Treasury shall instruct the United States Executive Director to propose the establishment by the Board of Executive Directors of a program of selective but continuing independent and comprehensive audit of the Inter-American Development Bank, in accordance with such terms of reference as the Board of Executive Directors itself (or through a subcommittee) may prescribe. Such proposal shall provide that the audit reports be submitted to the Board of Executive Directors and to the Board of Governors.

(b) The Comptroller General of the United States shall prepare for the Secretary of the Treasury the scope of the audit and the auditing and reporting standards for the use of the United States Executive Directors in assisting in the formulation of the terms of reference.

(c) The reports of the National Advisory Council on International Monetary and Financial Policies to the Congress shall include, among other things, an appraisal of the effectiveness of the implementation and administration of the loans made by the Bank based upon the audit reports. The Comptroller General shall periodically review the reports of audit and findings and issued and report to the Secretary of the Treasury and the Congress any suggestions he might have in improving the scope of the audit or auditing and reporting standards of the independent auditing firm, group, or staff.

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[15] 22 U.S.C. 283i.

[16] 22 U.S.C. 283j. This section was added by sec. 1 of Public Law 88-259, 78 Stat. 3, approved Jan. 22, 1964. Sec. 2(a) of Public Law 88-259 authorized the appropriation of $411,760,000, without fiscal year limitation, for payment of the increased United States subscription under sec. 13.

[17] 22 U.S.C. 283j-1. Sec. 14 was added by Public Law 90-88, 81 Stat. 227, approved Sept. 22, 1967.

FUND FOR SPECIAL OPERATIONS OF THE BANK

Sec. 15.[18] (a) The United States Governor of the Bank is hereby authorized to vote in favor of the resolution entitled "Increase of Resources of the Fund for Special Operations" proposed by the Governors at their annual meeting in April 1964, and now pending before the Board of Governors of the Bank. Upon the adoption of such resolution, the United States Governor is authorized to agree, on behalf of the United States, to pay to the Fund for Special Operations of the Bank, the sum of $750,000,000, in accordance with and subject to the terms and conditions of such resolution.

(b) There is hereby authorized to be appropriated without fiscal year limitation, for the United States share in the increase in the resources of the Fund for Special Operations of the Bank, the sum of $750,000,000.

(c) With respect to any dollars herein provided, the voting power of the United States shall be exercised for the purpose of disapproving any loan from the Fund for Special Operations of the Bank for any project, enterprise, or activity in any country, during any period for which the President has suspended assistance to the government of such country because of any action taken on or after January 1, 1962, by the government of such country or any government agency or subdivision within such country as specified in paragraph (A), (B), or (C) of subsection (e)(1) of section 620 of the Foreign Assistance Act of 1961, as amended, and the failure of such country within a reasonable time to take appropriate steps to discharge its obligations or provide relief in accordance with the provisions of such subsection.

Sec. 16.[19] (a) The United States Governor of the Bank is hereby authorized to vote in favor of the resolution entitled "Increase of $1,200,000,000 in Resources of Fund for Special Operations" proposed by the Governors at their annual meeting in April 1967 and now pending before the Board of Governors of the Bank. Upon the adoption of such resolution, the United States Governor is authorized to agree, on behalf of the United States, to pay to the Fund for Special Operations of the Bank, the sum of $900,000,000, in accordance with and subject to the terms and conditions of such resolution, and subject to the further condition that in consideration of the United States balance-of-payments deficit any local cost financing, by project or otherwise, with the funds authorized under this section be held to the minimum possible level. The United States Governor is also authorized to vote in favor of the amendment to Annex C of the agreement, now pending before the Board of Governors of the Bank, to modify the procedure employed in the election of Executive Directors.

(b) There is hereby authorized to be appropriated without fiscal year limitation, for the United States share in the increase in the resources of the fund for Special Operations of the Bank, the sum of $900,000,000.

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[18] 22 U.S.C. 283l. This section was added by Public Law 89-6, 70 Stat. 23, approved Mar. 24, 1965, as Sec. 14 and renumbered by Public Law 90-88, 81 Stat. 226, approved Sept. 22, 1967.

[19] 22 U.S.C. 283m. Sec. 16 was added by Public Law 90-88, 81 Stat. 226, approved Sept. 22, 1967.

(c) The voting power of the United States shall be exercised for the purpose of disapproving any loan which might assist the recipient country directly or indirectly to acquire sophisticated or heavy military equipment.

Sec. 17.[20] (a) The United States Governor of the Bank is hereby authorized (1) to vote for an increase in the authorized capital stock of the Bank under article II, section 2, of the agreement as recommended by the Board of Executive Directors in its report of April 1967, to the Board of Governors of the Bank; and (2) to agree on behalf of the United States to subscribe to its proportionate share of the $1,000,000,000 increase in the authorized callable capital stock of the Bank.

(b) There is hereby authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury of the increased United States subscription to the capital stock of the Inter-American Development Bank, $411,760,000.

Sec. 18.[21] (a) The United States Governor of the Bank is hereby authorized to vote in favor of the two resolutions proposed by the Governors at their annual meeting in April 1970 and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock to the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to eighty-two thousand three hundred and fifty-two shares of $10,000 par value of the increase in the authorized capital stock of the Bank of which sixty-seven thousand three hundred and fifty-two shall be callable shares and fifteen thousand shall be paid in and (2) to pay to the Fund for Special Operations an initial annual installment of $100,000,000 and, upon further authorization by the Congress, two subsequent annual installments of $450,000,000 each, in accordance with and subject to the terms and conditions of such resolutions.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) three annual installments of $450,000,000 each for the United States subscription to paid-in capital stock of the Bank; (2) two installments of $336,760,000 each for the United States subscription to the callable capital stock of the Bank; and (3) one installment of $100,000,000 for the United States share of the increase in the resources of the Fund for Special Operations of the Bank.

Sec. 19.[22] (a) The United States Governor of the Bank is authorized to pay to the Fund for Special Operations two annual installments of $450,000,000 each in accordance with and subject to the terms and conditions of the resolution adopted by the Board of Governors on December 31, 1970, concerning an increase in the resources of the Fund for Special Operations and contributions thereto.

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[20] 22 U.S.C. 283n. Sec. 17 was added by Public Law 90-325, 82 Stat. 168, approved June 4, 1986.

[21] 22 U.S.C. 283o. Sec. 18 was added by sec. 21 of Public Law 91-599, 84 Stat. 1658, approved Dec. 30, 1970.

[22] 22 U.S.C. 283p. Sec. 19 was added by Public Law 92-246, 86 Stat. 59, approved Mar. 10, 1972.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of the two annual installments of $450,000,000 each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank.

Sec. 20.[23] The United States Governor of the Bank is authorized to agree to amendments to the provisions of the articles of agreement as provided in proposed Board of Governors resolutions entitled (a) "Amendment of the Provisions of the Agreement Establishing the Bank with Respect to Membership and to Related Matters" and (b) "Amendment of the Provisions of the Agreement Establishing the Bank with Respect to the Election of Executive Directors."

Sec. 21.[24] The President shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

(2) take steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law.

Sec. 22.[25] The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of

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[23] 22 U.S.C. 283q. Sec 20 was added by Public Law 92-246 (86 Stat. 59).

[24] 22 U.S.C. 283r. Sec. 21 was added by Public Law 92-246 (86 Stat. 59).

[25] 22 U.S.C. 283s. Sec. 22 was added by Public Law 92-246 (86 Stat. 59).

1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances.

Sec. 23.[26] The United States Governor of the Bank is authorized to vote for three proposed resolutions of the Board of Governors entitled (a) "Amendments to the Agreement Establishing the Bank with respect to the Creation of the Inter-Regional Capital Stock of the Bank and to Related Matters", (b) "General Rule Governing Admission of Nonregional Countries to Membership in the Bank", and (c) "Increase in the Authorized Callable Ordinary Capital Stock and Subscriptions Thereto in Connection with the Admission of Nonregional Member Countries", which were submitted to the Board of Governors pursuant to a resolution of the Board of Executive Directors approved on March 4, 1975.

Sec. 24.[27] The United States Governor of the Bank is authorized to agree to the amendments to article II, section 1(b) and article IV, section 3(b) of the Agreement Establishing the Bank, as proposed by the Board of Executive Directors, to provide for membership for the Bahamas and Guyana in the Bank at such times and in accordance with such terms as the Bank may determine.

Sec. 25.[28] The United States Governor of the Bank is authorized to agree to the amendments to article III, sections 1, 4, and 6(b) of the Agreement Establishing the Bank, as proposed by the Board of Executive Directors, to provide for lending to the Caribbean Development Bank.

Sec. 26.[29] The United States Governor of the Bank is hereby authorized to vote in favor of two resolutions proposed by the Governors at a special meeting in July 1975, and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock of the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions, the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to ninety-nine thousand four hundred and seventy-four shares of $10,000 par value of the increase in the authorized capital stock of the Bank of which eighty-nine thousand five hundred and twenty-six shall be callable shares and nine thousand nine hundred and forty-eight shall be paid in and (2) to contribute to the Fund for Special Operations $600,000,000, in accordance with and subject to the terms and conditions of such resolutions.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) $1,199,997,873 for the United States subscription to the capital stock of the Bank and (2) $600,000,000 for the United States share of the increase in the resources of the Fund for Special Operations: *Provided, however,* That not more than $15,677,000 may be made available to the Fund for Special Operations for the fiscal year 1982.[30] [31]

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[26] 22 U.S.C. 283t. Sec. 23 was added by sec. 103(a) of Public Law 94-302.

[27] 22 U.S.C. 283u. Sec. 24 was added by sec. 103(a) of Public Law 94-302.

[28] 22 U.S.C. 283v. Sec. 25 was added by sec. 103(a) of Public Law 94-302.

[29] 22 U.S.C. 283w. Sec. 26 was added by sec. 101 of Public Law 94-302.

Sec. 27.[32] The United States Governor of the Bank is hereby authorized to vote for an additional increase of one hundred and eight thousand shares of $10,000 par value in the authorized callable capital stock of the Bank as recommended in the resolution of the Board of Governors entitled "Increase of US$4 Billion in the Authorized Capital Stock and Subscriptions Thereto". Upon adoption of a Board of Governors resolution increasing the authorized capital stock of the Bank by such amount, the United States Governor is authorized to agree on behalf of the United States to subscribe to thirty-seven thousand three hundred and three shares of $10,000 par value of such additional increase in callable capital in accordance with and subject to the terms and conditions of such resolution.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated, without fiscal year limitation, $450,002,218 for payment by the Secretary of the Treasury.[30]

Sec. 28.[33] (a) The United States Executive Director of the Bank shall propose to the Board of Executive Directors of the Bank the adoption of a resolution providing (1) that the development and utilization of light-capital or intermediate technologies should be accepted as major facets of the Bank's development strategy, and (2) that such light-capital or intermediate technologies should be developed and utilized as soon as possible in all Bank activities. Such resolution shall further provide that, by the close of the calendar year 1977, some projects that employ primarily such light-capital or intermediate technologies shall be designed and approved.

(b) The United States Governor of the Bank shall report to the Congress no later than six months after the date of the enactment of this section on the proposal made under subsection (a), and no later than twelve months after such date on the progress that has been made with respect to such proposal.

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[30] The proviso clause was added by sec. 1351(c) of Public Law 97-35 (95 Stat. 744).

[31] Appropriations for U.S. payments authorized in sec. 26 and sec. 27 have been provided in the following amounts and acts: Fiscal year 1977—Bank capital stock, $376 million ($56 million paid-in capital; $320 million callable capital) (Public Laws 94-441 and 95-26); FSO, $160 million (Public Law 95-26); fiscal year 1978—Bank capital stock, $365.2 million ($36.7 million paid-in capital; $328.5 million callable capital); FSO, $114.7 million (Public Law 95-148); fiscal year 1979—Bank capital stock, $588.7 million ($27.3 million paid-in capital; $561.4 million callable capital); FSO, $175 million (Public Law 95-481); fiscal year 1980—$0; fiscal year 1981—FSO, $25 million (Public Law 96-536); fiscal year 1982—$0; fiscal year 1983—FSO, $46.7 million (Public Law 97-377); fiscal year 1984—FSO, $78.6 million (Public Law 98-151).

[32] 22 U.S.C. 283x. Sec. 27 was added by sec. 101 of Public Law 94-302.

[33] 22 U.S.C. 283z. This section was added by sec. 104 of Public Law 94-302. Originally added as sec. 29, it was redesignated as sec. 28 by sec. 101 of Public Law 96-259 (94 Stat. 429). The original sec. 28, which was added by sec. 103(a) of Public Law 94-302 and had directed the U.S. Executive Director of the Bank to vote against any loan or assistance to any country engaging in violations of human rights, was repealed by sec. 702 of Public Law 95-118 (91 Stat. 1070). For new references concerning U.S. activity in the Bank and human rights, see title VII of Public Law 95-118.

Sec. 29.[34] (a) The United States Governor of the Bank is authorized to vote for two resolutions which were proposed by the Governors at a special meeting in December 1978 and are pending before the Board of Governors of the Bank. These resolutions provide for (1) an increase in the authorized capital stock of the Bank and additional subscriptions thereto, and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of these resolutions, the United States Governor is authorized on behalf of the United States (A) to subscribe to two hundred twenty-seven thousand eight hundred and ninety-six shares of the increase in the authorized capital stock of the Bank, of which two hundred ten thousand eight hundred and four shall be callable and seventeen thousand and ninety-two shall be paid-in, and (B) to contribute to the Fund for Special Operations $630,000,000; except that any commitment to make such subscriptions to paid-in and callable capital stock and to make such contributions to the fund for Special Operations shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(b) In order to pay for the increase in the United States subscription and contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury (1) $2,474,287,189 for the United States subscription to the capital stock of the Bank, and (2) $630,000,000 for the United States share of the increase in the resources of the Fund for Special Operations: *Provided, however,* That for contributions to the Fund for Special Operations, not more than $175,000,000 may be made available for the fiscal year 1982, and not more than $105,000,000 may be made available for the fiscal year 1983.[35]

(c) For the purpose of keeping to a minimum the cost to the United States, the Secretary of the Treasury—

(1) shall pay the United States contribution to the Fund for Special Operations authorized by this section by letter of credit in four annual installments; and

(2) shall take the steps necessary to obtain a certification from the Bank that any undisbursed balances resulting from drawdowns on such letter of credit will not exceed at any time in the United States share of expected disbursement requirements for the following three-month period.

(d) None of the funds authorized to be appropriated by this section may be used for any form of assistance to any country which is not a member of the Bank.

Sec. 30.[36] (a) The United States Governor of the Bank is authorized on behalf of the United States to contribute to the Fund for

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[34] 22 U.S.C. 283z-1. Sec. 29 was added by sec. 101(2) of Public Law 96-259 (94 Stat. 429).

[35] The proviso clause was added by sec. 1351(b) of Public Law 97-35 (95 Stat. 744).

Appropriations for U.S. payments authorized in sec. 29 have been provided in the following amounts and acts: Fiscal year 1980—Bank capital stock, $588.7 million ($27.3 million paid-in capital; $561.4 million callable capital); FSO, $175 million (Public Law 96-123); fiscal year 1981—Bank capital stock, $612.2 million $51.5 million paid-in capital; $560.7 million callable capital); FSO, $175 million (Public Law 96-536); fiscal year 1982—Bank capital stock, $657.7 million ($48.1 million paid-in capital; $609.6 million callable capital); FSO, $173.2 million (Public Law 97-121); fiscal year 1983—Bank capital stock, $615.6 million ($41.8 million paid-in capital; $573.8 million callable capital); FSO, $105 million (Public Law 97-377); fiscal year 1984—FSO, $1.8 million (Public Law 98-151).

[36] 22 U.S.C. 283z-2. Sec. 30 was added by sec. 1351(a) of Public Law 97-35 (95 Stat. 744).

Special Operations $70,000,000: *Provided, however,* That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for a portion of the increase in the United States subscription to the capital stock of the Bank provided for in section 29(a) and for the United States contribution to the Fund for Special Operations provided for in this section, there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury, (1) $274,920,799 for the United States subscription, and (2) $70,000,000 for the United States contribution to the Fund for Special Operations: *Provided, however,* That no funds may be made available for such contribution to the Fund for Special Operations for the fiscal year 1982.[37]

Sec. 31.[38] (a)(1) The United States Governor of the Bank is authorized to vote for resolutions—

(A) Which were proposed by the Governors at a special meeting in February 1983;

(B) Which are pending before the Board of Governors of the Bank; and

(C) Which provide for—

(i) an increase in the authorized capital stock of the Bank and subscriptions thereto; and

(ii) an increase in the resources of the Fund for Special Operations and contributions thereto.

(2)(A) Upon adoption of the resolutions specified in paragraph (1), the United States Governor of the Bank is authorized on behalf of the United States to—

(i) subscribe to 427,396 shares of the increase in the authorized capital stock of the bank; and

(ii) contribute $350,000,000 to the Fund for Special Operations.

(B) any commitment to make such subscriptions to paid-in and callable capital stock and to make such contributions to the Fund for Special Operations shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(b) In order to pay for the increase in the United States subscription and contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury—

(1) $5,155,862,744 for the United States subscriptions to the capital stock of the Bank; and

(2) $350,000,000 for the United States share of the increase in the resources of the Fund for Special Operations.[39]

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[37] The Further Continuing Appropriations Act, 1983, (Public Law 97-377) provided the following funding during fiscal year 1983 for this authorization: Bank capital stock, $274.9 million ($20.6 million paid-in capital; $254.3 million callable capital); FSO, $70 million.

[38] 22 U.S.C. 283z-3. Sec. 31 was added by sec. 1001 of Public Law 98-181 (97 Stat. 1284).

[39] Appropriations for U.S. payments authorized in sec. 31 have been provided in the following amounts and acts: Fiscal year 1984—Bank capital stock, $844.5 million ($38 million paid-in capital; $806.5 million callable capital); FSO, $0 (Public Law 98-151); fiscal year 1985—Bank capital stock, $844.5 ($38 million paid-in capital; $806.5 million callable capital); FSO, $72.5 million (Public Law 98-473); fiscal year 1985 supplemental—FSO, $42.5 million; Bank capital stock $889 million ($40 million paid-in capital; $849 million callable capital) (Public Law 99-88); fiscal year 1986—FSO, $40 million; Bank capital stock, $1,269 million ($38 million paid-in capital; $1,231 million callable capital) (Public Law 99-190); fiscal year 1987—FSO, $17.3 million; Bank capital

Continued

Sec. 32.[40] The United States Governor of the Inter-American Development Bank is hereby authorized to agree to and to accept the amendments to the Articles of Agreement in the proposed resolution entitled "Merger of Inter-regional and Ordinary Capital Resources".

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stock, $1,127.9 million ($16.4 million paid-in capital; $1,111.6 million callable capital) (Public Law 99-591); fiscal year 1988—FSO, $25.7 million; Bank capital stock, $151 million ($31.6 million paid-in capital; $119.4 million callable capital) (Public Law 100-202)

[40] Title I of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (sec. 101(e) of the Continuing Appropriations, 1988), Public Law 100-202; 101 Stat. 1329 at 1329-134 added sec. 32 by enacting into law the amendment made by sec. 501 of H.R. 3750, as introduced by the House Committee on Banking, Finance and Urban Affairs, on December 11, 1987.

2. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (P.L. 100-461, November 18, 1988)

TITLE V—GENERAL PROVISIONS

INTER-AMERICAN DEVELOPMENT BANK—COORDINATION OF PROJECTS

SEC. 546.[66] The Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank to work with the representatives, and with the ministries from which they receive their instructions, of other donor nations to the Inter-American Development Bank, to develop a coordinated economic development program for the assistance activities of the Bank. Such program should be developed in cooperation with the Department of State and the Agency for International Development to ensure that the bilateral economic assistance programs of the United States are effectively coordinated with the activities of the Inter-American Development Bank.

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[66] First enacted as sec. 550 of the Foreign Assistance Appropriations Act, 1988.

B. Latin American Development Act (Public Law 86-735, September 8, 1960), as amended

Public Law 86-735 [H.R. 13021], 74 Stat. 869, approved September 8, 1960, as amended by the Foreign Assistance Act of 1961, Public Law 87-195 [S. 1983], 75 Stat. 424, approved September 4, 1961, and the Foreign Assistance Act of 1963, Public Law 88-205 [H.R. 7885], 77 Stat. 379, approved December 16, 1963

AN ACT To provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Latin American Development Act".[1]

STATEMENT OF POLICY

Sec. 1.[2] (a) It is the sense of the Congress that—

(1) the historic, economic, political, and geographic relationships among the American Republics are unique and of special significance and, as appropriate, should be so recognized in future legislation;

(2) although governmental forms differ among the American Republics, the peoples of all the Americas are dedicated to the creation and maintenance of governments which will promote individual freedom;

(3) the interests of the American Republics are so interrelated that sound social and economic progress in each is of importance to all and that lack of it in any American Republic may have serious repercussions in others;

(4) for the peoples of Latin America to continue to progress within the framework of our common heritage of democratic ideals, there is a compelling need for the achievement of social and economic advance adequate to meet the legitimate aspirations of the individual citizens of the countries of Latin America for a better way of life;

(5) there is a need for a plan of hemispheric development, open to all American Republics which cooperate in such plan, based upon a strong production effort, the expansion of foreign trade, the creation and maintenance of internal financial stability, the growth of free economic and social institutions, and the development of economic cooperation, including all possible steps to establish and maintain equitable rates of exchange and to bring about the progressive elimination of trade barriers;

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[1] Sec. 401(a) of the FA Act of 1963 inserted the words "That this Act may be cited as the 'Latin American Development Act'."

[2] 22 U.S.C. 1942.

(6) mindful of the advantages which the United States has enjoyed through the existence of a large domestic market with no internal trade barriers, and believing that similar advantages can accrue to all countries, it is the hope of the people of the United States that all American Republics will jointly exert sustained common efforts which will speedily achieve that economic cooperation in the Western Hemisphere which is essential for lasting peace and prosperity; and

(7) accordingly, it is declared to be the policy of the people of the United States to sustain and strengthen principles of individual liberty, free institutions, private enterprise, and genuine independence in the Western Hemisphere through cooperation with all American Republics which participate in a joint development program based upon self-help and mutual efforts.

(b) In order to carry forward the above policy, the Congress hereby—

(1) urges the President through our constitutional processes to develop cooperative programs on a bilateral or multilateral basis which will set forth specific plans of action designed to foster economic progress and improvements in the welfare and level of living of all the peoples of the American Republics on the basis of joint aid, mutual effort, and common sacrifice;

(2) proposes the development of workable procedures to expand hemispheric trade and to moderate extreme price fluctuations in commodities which are of exceptional importance in the economies of the American Republics, and encourages the development of regional economic cooperation among the American Republics;

(3) supports the development of a more accurate and sympathetic understanding among the peoples of the American Republics through a greater interchange of persons, ideas, techniques, and educational, scientific, and cultural achievements;

(4) supports the strengthening of free democratic trade unions to raise standards of living through improved management-labor relations;

(5) favors the progressive development of common standards with respect to the rights and the responsibilities of private investment with flows across national boundaries within the Western Hemisphere;

(6) supports the consolidation of the public institutions and agencies of inter-American cooperation, insofar as feasible, within the structure of the Organization of American States and the strengthening of the personnel resources and authority of the Organization in order that it may play a role of increasing importance in all aspects of hemispheric cooperation; and

(7) declares that it is prepared to give careful and sympathetic consideration to programs which the President may develop for the purpose of promoting these policies.

AUTHORIZATION

Sec. 2.[3] In order to carry out the purposes of section 1 of this Act, there is hereby authorized to be appropriated to the President not to exceed $680,000,000,[4] which shall remain available until expended, and which the President may use, subject to such further legislative provisions as may be enacted, in addition to other funds available for such purposes, on such terms and conditions as he may specify: *Provided,* That none of the funds made available pursuant to this section shall be used to furnish assistance to any country in Latin America being subjected to economic or diplomatic sanctions by the Organization of American States. The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House currently informed about plans and programs for the utilization of such funds.

SPECIAL AUTHORIZATION FOR CHILEAN RECONSTRUCTION

Sec. 3.[5] There is hereby authorized to be appropriated to the President not to exceed $100,000,000,[6] which shall remain available until expended, for use, in addition to other funds available for such purposes, in the reconstruction and rehabilitation of Chile on such terms and conditions as the President may specify.

GENERAL PROVISIONS [7]

Sec. 4.[8] (a) Funds appropriated under sections 2 and 3 of this Act may be used for assistance under this Act pursuant to such provisions applicable to the furnishing of such assistance contained in any successor Act to the Mutual Security Act of 1954, as amended, as the President determines to be necessary to carry out the purposes for which such funds are appropriated.

(b) Of the funds appropriated under section 2 of this Act not more than $800,000 shall be available only for assisting in transporting to and settling in Latin America selected immigrants from that portion of the Ryukyuan Archipelago under United States administration.

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[3] 22 U.S.C. 1943.

[4] Sec. 401(b) of the FA Act of 1963, substituted "$680,000,000" for "$500,000,000". Public Law 87-41, approved May 27, 1961, appropriated $500 million for the Inter-American Social and Economic Cooperation Program to remain available until expended.

[5] 22 U.S.C. 1944.

[6] Public Law 87-41 appropriated "$100,000,000, to remain available until expended."

[7] Sec. 4 and title "General Provisions" added by sec. 706 of the FA Act of 1961.

[8] 22 U.S.C. 1945.

C. Alliance for Progress

Foreign Assistance Act of 1961, (Public Law 87-195), as amended, added by sec. 106 of the Foreign Assistance Act of 1962, Public Law 87-565, August 1, 1962)

Title VI *

Title VI—Alliance for Progress[164]

Sec. 251.[165] **General Authority.**—(a) It is the sense of the Congress that the historic, economic, political and geographic relationships among the American peoples and Republics are unique and of special significance and that the Alliance for Progress offers great hope for the advancement of the welfare of the peoples of the Americas and the strengthening of the relationships among them. It is further the sense of Congress that vigorous measures by the countries and areas of Latin America to mobilize their own resources for economic development and to adopt reform measures to spread the benefits of economic progress among the people are essential to the success of the Alliance for Progress and to continued significant United States assistance thereunder. The President is authorized to furnish assistance on such terms and conditions as he may determine in order to promote the economic development of countries and areas in Latin America.

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[164] Title VI was added by Sec. 106 of the FAAct of 1962.

[165] 22 USC 2211. Sec. 251 was added by Sec. 106 of the FAAct of 1962.

*NOTE: Repealed by Sec. 102 (g)(1)(A) of the International Development and Food Assistance Act of 1978, (Public Law 95-424, October 6, 1978)

(b) Assistance furnished under this title shall be directed toward the development of human as well as economic resources. In furnishing assistance under this title, the President shall take into account (1) the principles of the Act of Bogotá [166] and the Charter of Punta del Este,[167] and in particular the extent to which the recipient country or area is showing a responsiveness to the vital economic, political, and social concerns of its people and demonstrating a clear determination to take effective self-help measures; (2) the economic and technical soundness of the activity to be financed; (3) the consistency of the activity with, and its relationship to, other development activities being undertaken or planned, and its contribution to realizable long-range objectives; [168] (4) the possible effects upon the United States economy, with special reference to areas of substantial labor surplus, of the assistance involved; (5) the degree to which the recipient country is making progress toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise; (6) the degree to which the recipient country is taking steps to improve its climate for private investment; (7) whether or not the activity to be financed will contribute to the achievement of self-sustaining growth; and (8) the extent to which the activity to be financed will contribute to the economic or political integration of Latin America. In making loans under this title from funds which are required to be used for loans payable as to principal and interest in United States dollars, the President shall take into account, in addition to the considerations named in the preceding sentence, whether financing could be obtained in whole or in part from other free world sources on reasonable terms (including private sources within the United States), the capacity of the recipient country to repay the loan at a reasonable rate of interest,[169] and the efforts made by recipient nations to repatriate capital invested in other countries by their own citizens. The provisions of sections 201(d), 202(b), 202(c), and 204 shall be applicable to such loans, and they shall be made only upon a finding of reasonable prospects of repayment.

(c) The authority of section 614(a) may not be used to waive the requirements of this title with respect to funds made available for this title which are required to be used for loans payable as to principal and interest in United States dollars, and the authority of section 610 may be used to transfer such funds only to funds made available for title I of chapter 2 of part I.

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[166] For text, see Vol. II, page 664.

[167] For text, see Vol. II, page 670.

[168] Sec. 105(a)(1) of the FAAct of 1966 struck out the word "and" which appeared at the end of clause (3), substituted the semicolon for a period at the end of clause (4), and added clauses (5), (6), (7), and (8).

[169] The words to this point, beginning with "including private sources" were inserted by Sec. 106(a)(1) of the FAAct of 1963.

(d) In order to carry out the policies of this Act and the purpose of this title, the President shall, when requested by a friendly country and when appropriate, assist in fostering measures of agrarian reform, including colonization and redistribution of land, with a view to insuring a wider and more equitable distribution of the ownership of land.

(e) The President shall not allocate, reserve, earmark, commit, or otherwise set aside, funds aggregating in excess of $100,000 for use in any country under this title unless (1) an application for such funds has been received for use in such country together with sufficient information and assurances to indicate reasonably that the funds will be used in an economically [170] and technically sound manner, or (2) the President determines with respect to each such allocation, reservation, earmarking, commitment, or set-aside that it is in the national interest to use such funds pursuant to multilateral plans.

(f) In furnishing assistance under this title, consistently with and for the purposes of section 601(b)(4) of this Act, the agency primarily responsible for administering part I [171] or any other departments and agencies designated by the President shall provide such assistance as may be determined by the President to be necessary from time to time in order to make effective the efforts of the Commerce Committee for the Alliance for Progress, established under the Department of Commerce.

(g) [172] In order to carry out the policies of this Act, the President shall, when appropriate, assist in promoting the organization, implementation, and growth of the cooperative movement in Latin America as a fundamental measure toward the strengthening of democratic institutions and practices and economic and social development under the Alliance for Progress.

(h) [173] Loans may be made under authority of this title only for social and economic development projects and programs which are consistent with the findings and recommendations of the Inter-American Committee for the Alliance for Progress in its annual review of national development activities. Whenever the President determines that the purposes of this title would be better served thereby, he may make available, in addition to any other funds available for such purposes, on such terms and conditions as he determines, not to exceed 15 per centum of the funds made available for this title to the Inter-American Development Bank, or to any of the institutions named in section 205 (other than the Asian Development Bank),[174] for use in Latin America [175] pursuant to the laws governing United States participation in the said Bank or in such institutions and the governing statutes thereof and without regard to section 201 or any other requirements of this or any other Act.

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[170] Sec. 106(a)(2) of the FAAct of 1963 substituted "economically" for "economical".

[171] Sec. 106(a)(3) of the FAAct of 1963 substituted the words "agency primarily responsible for administering part I" for the words "Agency for International Development".

[172] Subsection (g) was added by Sec. 106(a)(4) of the FAAct of 1963.

[173] Subsection (h) was added by Sec. 105(a)(2) of the FAAct of 1966. Sec. 107 of the FA Appropriation Act, 1977, prohibits the use of funds contained in Title I of that Act to carry out the provisions of sections 209(d) and 251(h) of this Act.

[174] The parenthetical phrase was added by Sec. 106(a)(1) of the FAAct of 1967.

[175] The words "in Latin America" were added by Sec. 106(a)(2) of the FAAct of 1967.

Sec. 252.[176] **Authorization.**—(a)[177] There is authorized to be appropriated to the President for the purposes of this title, in addition to other funds available for such purposes, for the fiscal year 1972, $295,000,000,[178] and for the fiscal year 1973, $295,000,00,[179] which amounts are authorized to remain available until expended, and which amounts, except for not to exceed $88,500,00 [180] for each such fiscal year, shall be available only for loans payable as to principal and interest in United States dollars. In order to effectuate the purposes and provisions of sections 102, 251, 601, and 602 of this Act, not less than 50 per centum of the loan funds appropriated pursuant to this section for any fiscal year shall be available for loans made to encourage economic development through private enterprise.

(b) [181] There are authorized to be appropriated to the President for the fiscal year 1974, $934,000, and for the fiscal year 1975, $934,000,[182] for grants to the National Association of the Partners of the Alliance, Inc., in accordance with the purposes of this title.

Sec. 253.[183] **Fiscal Provisions.**—All receipts in United States dollars from loans made under this title and from loans made for the benefit of countries and areas of Latin America under title I of chapter 2 of part I of this Act, notwithstanding section 203, shall be available for use for loans payable as to principal and interest in United States dollars in furtherance of the purposes of this title.[184] All receipts in foreign currencies from loans made under this title or for nonmilitary assistance purposes under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, shall be available, in addition to other funds available for such purposes, for loans on such terms and conditions as the President may specify to carry out the purposes of subsection (g) of section 251 of this title, and the President may, notwithstanding the provisions of this or any other Act, reserve such currencies in such amounts (not to exced $25,000,000) as he shall determine to be necessary to provide for the programs authorized by said subsection (g).[185] Such receipts and other funds made available under this title for use for the purposes of this title shall remain available until expended.

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[176] 22 USC § 2212. Sec. 252 was added by Sec. 106 of the FAAct of 1962.

[177] Subsection designation "(a)" was added by Sec. 106(b)(4) of the FAAct of 1967. Subsection (a) was amended by Sec. 106 of the FAAct of 1969. It formerly read as follows: "(a) There is hereby authorized to be appropriated to the President for the purposes of this title, in addition to other funds available for such purposes, for the fiscal year 1969, $420,000,000, which is authorized to remain available until expended and which, except for not to exceed $90,000,000, shall be available only for loans payable as to principal and interest in United States dollars. In order to effectuate the purposes and provisions of sections 102, 251, 601, and 602 of this Act, not less than 50 per centum of the funds appropriated pursuant to this section for the fiscal year ending June 30, 1969, shall be available for loans made to encourage economic development through private enterprise."

[178] FA Appropriation Act, 1972; "Alliance for Progress, technical assistance: $80,000,000: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress. Alliance for Progress development loans: $150,000,000, together with such amounts as are provided for under section 203, all such amounts to remain available until expended."

[179] The words "for the fiscal year 1972, $295,000,000, and for the fiscal year 1978, $295,000,000" were substituted in lieu of "for the fiscal year 1970, $428,250,000, and for the fiscal year 1971, $428,250,000" by Sec. 105(1) of the FAAct of 1971.

[180] Sec. 105(2) of the FAAct of 1971 substituted "$88,500,000" in lieu of "$90,750,000".

[181] Subsection (b) was added by Sec. 106(b)(4) of the FAAct of 1967. It was amended by Sec. 7of the FAAct of 1973 and formerly read as follows: "(b) There is hereby authorized to be appropriated to the President for the fiscal year 1969, $350,000 for grants to carry out programs and activities of the Partners of the Alliance in accordance with the purpose of this title."

[182] FA Appropriations Act, 1975: "For necessary expenses to carry out the provisions of section 106, $37,000,000 of which not more than $500,000 shall be available for the National Association of the Partners of the Alliance, Inc. * * *"

[183] 22 USC § 2213. Sec. 253 was added by Sec. 106 of the FAAct of 1962.

[184] See appropriation for Alliance for Progress development loans in Sec. 117 of the FA Appropriation Act of 1964, box note page 191.

[185] This sentence was added by Sec. 106(c) of the FAAct of 1963.

D. Inter-American Foundation

Foreign Assistance Act of 1969, (Public Law 91-175, December 30, 1969), as amended

Part IV

Partial text of Public Law 91-175 [H.R. 14480], 83 Stat. 805, approved December 30, 1969, as amended by Public Law 92-226 [Foreign Assistance Act of 1971; S. 2819], 86 Stat. 20, 34, approved February 7, 1972; Public Law 95-105 [H.R. 6689], 91 Stat. 844 at 859, approved August 17, 1977; Public Law 97-241 [S. 1193], 96 Stat. 273 at 297, approved August 24, 1982; by Public Law 98-164 [Department of State Authorization Act, Fiscal Years 1984 and 1985; H.R. 2915], 97 Stat. 1017 at 1051, approved November 22, 1983; by Public Law 99-83 [International Security and Development Cooperation Act of 1985; S. 960], 99 Stat. 190 at 247, approved August 8, 1985; and by Public Law 99-529 [Special Foreign Assistance Act of 1986; S. 1917], 100 Stat. 3010, approved October 24, 1986

NOTE.—Except for Part IV, which relates to the Inter-American Social Development Institute (title changed to The Inter-American Foundation Act by Sec. 406(1) of the FA Act of 1971) and Part V, which relates to amendments to other acts, the Foreign Assistance Act of 1969 consists of amendments to the Foreign Assistance Act of 1961, as amended.

* * * * * * *

PART IV—THE INTER-AMERICAN FOUNDATION ACT [1]

Sec. 401.[2] Inter-American Foundation.—(a) There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the "Foundation").[3]

(b) The future of freedom, security, and economic development in the Western Hemisphere rests on the realization that man is the foundation of all human progress. It is the purpose of this section to provide support for developmental activities designed to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all men will be afforded the opportunity to develop their potential, to seek through gainful and productive work the fulfillment of their aspirations for a better life, and to live in justice and peace. To this end, it shall be the purpose of the Foundation,[4] primarily in cooperation with private, regional, and international organizations, to—

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[1] Sec. 406(1) of the Foreign Assistance Act of 1971 substituted the title "Part IV—The Inter-American Foundation Act" in lieu of "Part IV—Inter-American Social Development Institute".

[2] 22 U.S.C. 290f.

[3] The caption of sec. 401 and subsec. (a) thereof, which were amended by sec. 406(2) of the Foreign Assistance Act of 1971, formerly read as follows: "Inter-American Social Development Institute.—(a) There is created as an agency of the United States of America a body corporate to be known as the 'Inter-American Social Development Institute' (hereafter in this section referred to as 'Institute')."

[4] Sec. 406(3) of the Foreign Assistance Act of 1971 amended sec. 401 by substituting "Foundation" in lieu of "Institute" wherever it appears.

(1) strengthen the bonds of friendship and understanding among the peoples of this hemisphere;

(2) support self-help efforts designed to enlarge the opportunities for individual development;

(3) stimulate and assist effective and ever wider participation of the people in the development process;

(4) encourage the establishment and growth of democratic institutions, private and governmental, appropriate to the requirements of the individual sovereign nations of this hemisphere.

In pursuing these purposes, the Foundation shall place primary emphasis on the enlargement of educational opportunities at all levels, the production of food and the development of agriculture, and the improvement of environmental conditions relating to health, maternal and child care, family planning, housing, free trade union development, and other social and economic needs of the people.

(c) The Foundation shall carry out the purposes set forth in subsection (b) of this section primarily through and with private organizations, individuals, and international organizations by undertaking or sponsoring appropriate research and by planning, initiating, assisting, financing, administering, and executing programs and projects designed to promote the achievement of such purposes.

(d) In carrying out its functions under this section, the Foundation shall, to the maximum extent possible, coordinate its undertakings with the developmental activities in the Western Hemisphere of the various organs of the Organization of American States, the United States Government, international organizations, and other entities engaged in promoting social and economic development of Latin America.

(e) The Foundation, as a corporation—

(1) shall have perpetual succession unless sooner dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) may make and perform contracts and other agreements with any individual, corporation, or other body of persons however designated whether within or without the United States of America, and with any government or governmental agency, domestic or foreign;

(4)[5] shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed $10,000 in any fiscal year), allowed and paid;

(5) may, as necessary for the transaction of the business of the Foundation, employ, and fix the compensation of not to exceed one hundred persons at any one time;

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[5] Sec. 401(e)(4) was amended by sec. 406(4) of the Foreign Assistance Act of 1971. It formerly read as follows: "(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid;".

(6) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as it finds to be necessary to its purposes, whether within or without the United States, and in any manner dispose of all such real and personal property held by it and use as general funds all receipts arising from the disposition of such property;

(7) shall be entitled to the use of the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(8) may, with the consent of any board, corporation, commission, independent establishment, or executive department of the Government, including any field service thereof, avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this section;

(9) may accept money, funds, property, and services of every kind by gift, devise, bequest, grant, or otherwise, and make advances, grants, and loans to any individual, corporation, or other body of persons, whether within or without the United States of America, or to any government or governmental agency, domestic or foreign, when deemed advisable by the Foundation in furtherance of its purposes;

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction; and

(11) shall have such other powers as may be necessary and incident to carrying out its powers and duties under this section.

(f) Upon termination of the corporate life of the Foundation all of its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

(g) The management of the Foundation shall be vested in a board of directors (hereafter in this section referred to as the "Board") composed of nine [5a] members appointed by the President, by and with the advice and consent of the Senate, one of whom he shall designate to serve as Chairman of the Board and one of whom he shall designate to serve as Vice Chairman of the Board. Six members of the Board shall be appointed from private life. Three members of the Board shall be appointed from among officers or employees of agencies of the United States concerned with inter-American affairs. Members of the Board shall be appointed for terms of six years, except that of the members first appointed two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the President at the time of their appointment. A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment.

[5a] Sec. 403(a) of Public Law 99-529, 100 Stat. 3010, added the numbers "nine" and "six", respectively in lieu of "seven" and "four".

(h) Members of the Board shall serve without additional compensation, but shall be reimbursed for travel expenses, including per diem, in lieu of subsistence, in accordance with section 5703 of title 5, United States Code,[6] while engaged in their duties on behalf of the corporation.

(i) The Board shall direct the exercise of all the powers of the Foundation.

(j) The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised and enjoyed. A majority of the Board shall be required as a quorum.

(k) In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Foundation as the Board finds to be for the best interests of the Foundation, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Foundation.

(l)[7] (1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of title 5, United States Code.

(m) In order to further the purposes of the Foundation there shall be established a Council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable concerning developmental activities in the Western Hemisphere. The Board shall, from time to time, consult with the Council concerning the objectives of the Foundation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5, United States Code, for travel and other expenses incurred by them in the performance of their functions under this subsection.

(n) The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of its directors, officers, and employees and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes set forth in this section. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his personal interests or the interest of any corporation, partnership, or organization in which he is directly or indirectly interested.

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[6] The words "travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code" were inserted in lieu of "actual and necessary expenses not in excess of $50 per day, and for transportation expenses" by sec. 501(b) of Public Law 97-241 (96 Stat. 297).

[7] Sec. 406(5) of the Foreign Assistance Act of 1971 amended sec. 401(1), which formerly read as follows: "(1) The chief executive officer of the Institute shall be an Executive Director who shall be appointed by the Board of Directors on such terms as the Board may determine. The Executive Director shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title V, United States Code."

(o) When approved by the Foundation, in furtherance of its purpose, the officers and employees of the Foundation may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries.

(p) The Secretary of State shall have authority to detail employees of any agency under his jurisdiction to the Foundation under such circumstances and upon such conditions as he may determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

(q) The Foundation shall establish a principal office. The Foundation is authorized to establish agencies, branch offices, or other offices in any place or places within the United States or elsewhere in any of which locations the Foundation may carry on all or any of its operations and business.

(r) The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

(s)(1) Notwithstanding any other provision of law, not to exceed an aggregate amount of $50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

(2)[9] There are authorized to be appropriated $11,969,000 for fiscal year 1986 and $11,969,000 for the fiscal year 1987 to carry out the purposes of this section.[10] Amounts appropriated under this paragraph are authorized to remain available until expended.

(t) The Foundation shall be subject to the provisions of the Government Corporation Control Act.

(u)[11] When, with the permission of the Foundation, funds made available to a grantee under this section are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purposes for which the grant was made. This subsection applies with respect to both interest earned before and interest earned after the enactment of this subsection.

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[9] Paragraph (2) was added by sec. 508 of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-426, 91 Stat. 859).

[10] The authorization figures for fiscal years 1986 and 1987 were added by sec. 708 of the International Security and Development Cooperation Act of 1985 (Public Law 99-93, 99 Stat. 243).

Authorizations provided in recent years under this section include the following: Fiscal year 1982—$12,000,000; fiscal year 1983—$12,800,000; fiscal year 1984—$16,000,000; fiscal year 1985—$16,000,000; fiscal year 1988—no authorization.

Congress did not enact an authorization for fiscal year 1989. Instead the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461, 102 Stat. 2268) waived the requirement for authorizations and provided the following:

"INTER-AMERICAN FOUNDATION

"(INCLUDING TRANSFER OF FUNDS)

"For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,600,000."

[11] Subsec. (u) was added by sec. 501(c) of Public Law 97-241 (96 Stat. 297).

PART V—AMENDMENTS TO OTHER ACTS

Sec. 501. Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by striking out "Development Loan Fund;" and inserting in lieu thereof "Overseas Private Investment Corporation;".

Sec. 502. (a) Section 3343(b) of title 5 United States Code, relating to details of personnel to international organizations, as amended—

(1) by striking out "3" and inserting in lieu thereof "5"; and

(2) by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "except that under special circumstances, where the President determines it to be in the national interest, he may extend the 5-year period for up to an additional 3 years."

(b) Section 3581(5) of such title, relating to reemployment rights of personnel who transfer to international organizations, is amended by striking out "the first 3 consecutive years after entering the employ of the international organization" and inserting in lieu thereof the following: "the first 5 consecutive years, or any extension thereof, after entering the employ of the international organization".

(c) Section 3582(a) of such title, relating to rights of personnel who transfer to international organizations, is amended—

(1) by inserting in clause (1), before the semicolon at the end thereof, a comma and the following: "except that such service shall not be considered creditable service for the purpose of any retirement system for transferring personnel, if such service forms the basis, in whole or in part, for an annuity or pension under the retirement system of the international organization"; and

(2) by striking out clause (2) and inserting in lieu thereof the following:

"(2) to retain coverage, rights, and benefits under chapters 87 and 89 of this title, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund and the Employees' Health Benefits Fund, as applicable, and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapters 87 and 89 of this title,".

(d) Section 3582(b) of such title, relating to rights of employees transferring to international organizations, is amended—

(1) by striking out, ", except a Congressional employee," in the first sentence;

(2) by striking out clause (1) "3 years" and inserting in lieu thereof "5 years, or any extension thereof,"; and

(3) by inserting at the end thereof the following new sentences: "On reemployment, he is entitled to be paid, under such regulations as the President may prescribe and from appropriations or funds of the agency from which transferred, an amount equal to the difference between the pay, allowances, post differential, and other monetary benefits paid by the international organization and the pay, allowances, post differential, and other monetary benefits that would have been paid by the agency had he been detailed to the international organization under section 3343 of this title. Such a payment shall be made to an employee who is unable to exercise his reemployment right because of disability incurred while on transfer to an international organization under this subchapter and, in the case of an employee who dies while on such a transfer or during the period after separation from the international organization in which he is properly exercising or could exercise his reemployment right, in accordance with subchapter VIII of chapter 55 of this title. This subsection does not apply to a congressional employee nor may any payment provided for in the preceding two sentences of this subsection be based on a period of employment with an international organization occurring before the first day of the first pay period which begins on or after the date of enactment of the Foreign Assistance Act of 1969."

(e) Section 3582(c) of such title, relating to rights of employees transferring to international organizations, is amended by striking out "3 years" and inserting in lieu thereof the following: "5 years, or any extension thereof,".

(f) Section 3582(d) of such title, relating to agency contributions to retirement and insurance programs for personnel who transfer to international organizations, is amended to read as follows:

"(d) During an employee's period of service with the international organization, the agency from which the employee is transferred shall make contributions for retirement and insurance purposes from the appropriations or funds of that agency so long as contributions are made by the employee."

Sec. **503**. Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) by inserting at the end of section 5314, relating to level III of the Executive Schedule, the following:

"(54) President, Overseas Private Investment Corporation."

(2) by inserting at the end of section 5315, relating to level IV of the Executive Schedule, the following:

"(92) Executive Vice President, Overseas Private Investment Corporation."; and

(3) by inserting at the end of section 5316, relating to level V of the Executive Schedule, the following:

"(128) Auditor-General of the Agency for International Development.

"(129) Vice Presidents, Overseas Private Investment Corporation (3)."

E. Prohibitions on Furnishing U.S. Foreign Assistance, Foreign Assistance Act of 1961 (Public Law 87-195), as amended

Sec. 620(a) Sec. 620(e) Sec. 620(f) Sec. 620(o)
Sec. 620(q) Sec. 620(s) Sec. 620(A) Sec. 660

Sec. 620.[567] **Prohibitions Against Furnishing Assistance.**[568]—(a)(1) [569] No assistance shall be furnished under this Act to the present government of Cuba.[570] As an additional means of implementing and carrying into effect the policy of the preceding sentence, the President is authorized to establish and maintain a total embargo upon all trade between the United States and Cuba.

(2) [571] Except as may be deemed necessary by the President in the interest of the United States, no assistance shall be furnished under this Act to any government of Cuba, nor shall Cuba be entitled to receive any quota authorizing the importation of Cuban sugar into the United States or to receive any other benefit under any law of the United States, until the President determines that such government has taken appropriate steps according to international law standards to return to United States citizens, and to entities not less than 50 per centum beneficially owned by United States citizens, or to provide equitable compensation to such citizens and entities for property taken from such citizens and entities on or after January 1, 1959, by the Government of Cuba.

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[567] 22 U.S.C. 2370.

[568] Sec. 301(d)(1) of the FA Act of 1965 substituted "PROHIBITIONS AGAINST FURNISHING ASSISTANCE.—" for "PROHIBITIONS AGAINST FURNISHING ASSISTANCE TO CUBA AND CERTAIN OTHER COUNTRIES.—" But see Secs. 491(b) and 664 of this Act.

[569] Sec. 301(e)(1)(A) of the FA Act of 1963 inserted "(1)" after subsec. (a).

[570] The phrase, "; nor shall any such assistance be furnished to any country which furnishes assistance to the present government of Cuba unless the President determines that such assistance is in the national interest of the United States", which formerly appeared at this point, was struck out by sec. 123(a)(1) of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 541).

[571] Pars. (2) and (3) were added by sec. 301(e)(1)(B) of the FA Act of 1963. Paragraph (3) was subsequently repealed by sec. 123(a)(2) of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 541). It formerly read as follows:

"(3) No funds authorized to be made available under this Act (except under section 214) shall be used to furnish assistance to any country which has failed to take appropriate steps, not later than 60 days after the date of enactment of the Foreign Assistance Act of 1963—

"(A) to prevent ships or aircraft under its registry from transporting to Cuba (other than to United States installations in Cuba)—

"(i) any items of economic assistance,

"(ii) any items which are, for the purposes of title I of the Mutual Defense Assistance Control Act of 1951, as amended, arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, or items of primary strategic significance used in the production of arms, ammunition, and implements of war, or

"(iii) any other equipment, materials, or commodities, so long as Cuba is governed by the Castro regime; and

"(B) to prevent ships or aircraft under its registry from transporting any equipment, materials, or commodities from Cuba (other than from United States installations in Cuba) so long as Cuba is governed by the Castro regime."

(e)[574] (1)[575] The President shall suspend assistance to the government of any country to which assistance is provided under this or any other Act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—

(A)[576, 577] has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(B)[576, 577] has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(C)[576, 577] has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned,

and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and the provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress.[578]

Upon request of the President (within seventy days after such action referred to in subparagraphs (A), (B), or (C) of paragraph (1)[579] of this section), the Foreign Claims Settlement Commission of the United States (established pursuant to Reorganization Plan No. 1 of 1954, 68 Stat. 1279) is hereby authorized to evaluate expropriated property, determining the full value of any property nationalized, expropriated, or seized, or subject to discriminatory or other actions as aforesaid, for purposes of this subsection and to render an advisory report to the President within ninety days after such request. Unless authorized by the President, the Commission shall not publish its advisory report except to the citizen or entity owning such property. There is hereby authorized to be appropriated such amount, to remain available until expended, as may be necessary from time to time to enable the Commission to carry out expeditiously its functions under this subsection.

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[575] Paragraph designation "(1)" was added by sec. 301(d)(1) of the FA Act of 1964.

[576] Sec. 301(d)(2) of the FA Act of 1964 redesignated subpars. (1), (2), and (3) as subpars. (A), (B), and (C), respectively.

[577] Sec. 301(d)(2) of the FA Act of 1964 redesignated subpars. (1), (2), and (3) as subpars. (A), (B), and (C), respectively.

[578] The words to this point, beginning with "the provisions of this subsection * * *" were substituted in lieu of "no other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection," by sec. 15 of the FA Act of 1973.

[579] Sec. 301(d)(3) of the FA Act of 1964 substituted the words "subparagraphs (A), (B), or (C) of paragraph (1)" for the words "paragraphs (1), (2), or (3)".

(2)[580] Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which claim of title or other right to property[581] is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: *Provided*, That this subparagraph shall not be applicable (1) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking, or (2) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.[582]

(f)[583, 584] (1) No assistance shall be furnished under this Act, as amended, (except section 214(b)) to any Communist country. This restriction may not be waived pursuant to any authority contained in this Act unless the President finds and promptly reports to Congress that: (A) such assistance is vital to the security of the United States; (B) the recipient country is not controlled by the international Communist conspiracy; and (C) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" includes specifically, but is not limited to, the following countries:[585]

Czechoslovak Socialist Republic.
Democratic People's Republic of Korea.
Estonia.
German Democratic Republic.
Hungarian People's Republic.
Latvia.

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[580] Par. (2) was added by sec. 301(d)(4) of the FA Act of 1964.

[581] Sec. 301(d)(2) of the FA Act of 1965 inserted the words "to property".

[582] The words ", or (3) in any case in which the proceedings are commenced after January 1, 1966", which appeared at this point, were struck out by sec. 301(d)(2) of the FA Act of 1965.

[583] Subsec. (f) was added by sec. 301(d)(3) of the FA Act of 1962.

[584] Sec. 1202 of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 276) redesignated clauses "(1)", "(2)" and "(3)" as "(A)", "(B)" and "(C)", added the text of para. (2); and added the "(1)" designation immediately after subsec. (f). People's Republic of China and Tibet were removed on Dec. 11, 1985 pursuant to subsec. (f)(2), see 51 F.R. 1890 (Jan. 15, 1986). Yugoslavia was removed on Aug. 5, 1986, see 51 FR 29662 (Aug. 19, 1986).

[585] Sec. 707 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1546) made technical changes to this sentence in subsec. (f) and to the list of countries specified below.

Lithuania.
Mongolian People's Republic.
People's Republic of Albania.
People's Republic of Bulgaria.
People's Republic of China.
Polish People's Republic.
Republic of Cuba.
Socialist Federal Republic of Yugoslavia.
Socialist Republic of Romania.
Socialist Republic of Vietnam.
Tibet.
Union of Soviet Socialist Republics (including its captive constituents republics.)[586]

(2)[584] Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States. It is the sense of the Congress that when consideration is given to authorizing assistance to a country removed from the application of this subsection, one of the factors to be weighed, among others, is whether the country in question is giving evidence of fostering the establishment of a genuinely democratic system, with respect for internationally recognized human rights.

(o)[597] In determining whether or not to furnish assistance under this Act, consideration shall be given to excluding from such assistance any country which hereafter seizes, or imposes any penalty or sanction against, any United States fishing vessel on account of its fishing activities in international waters. The provisions of this subsection shall not be applicable in any case governed by international agreement to which the United States is a party.

(q)[599] No assistance shall be furnished under this Act to any country which is in default, during a period in excess of six calendar months, in payment to the United States of principal or interest on any loan made to such country under this Act, unless such country meets its obligations under the loan or unless the President determines that assistance to such country is in the national interest and notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination.

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[586] The parenthetical phrase was added by sec. 301(e) of the FA Act of 1964.

[597] Subsec. (o) was added by sec. 301(d)(4) of the FA Act of 1965.

[599] Subsecs. (q) and (r) were added by sec. 301(h)(5) of the FA Act of 1966. See Presidential Determination of October 30, 1985 that it is in the national interest to furnish assistance to Costa Rica in fiscal year 1986, 50 F.R. 48271.

(s)[600] (1) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this Act, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended:

(A) the percentage of the recipient or purchasing country's budget which is devoted to military purposes; and

(B) the degree to which the recipient or purchasing country is using its foreign exchange or other[568] resources to acquire military equipment.

(C)[602] * * * [Repealed—1981]

(2) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision.

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[600] Subsec. (s), which was added by sec. 301(f)(4) of the FA Act of 1967, was amended by sec. 303(a) of the FA Act of 1969. It formerly read as follows:

"(s) In furnishing development assistance under this Act, and in making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, the President shall take into account (1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes, and (2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment. When the President finds that development assistance under this Act, or sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, are being diverted to military expenditures, or a recipient or purchasing country is diverting its own resources to unnecessary military expenditures, to a degree which materially interferes with its development, the President shall terminate such assistance and sales until he is assured that such diversion will no longer take place. No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection."

[602] Sec. 734(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560) added the words "or other" in subpar. (B) and repealed subpar. (C). Subpar. (C) formerly read as follows:

"(C) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country."

Sec. 620A.[653, 654] **Prohibition on Assistance to Countries Supporting International Terrorism.**—(a) The United States shall not provide any assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954, the Peace Corps Act, the Export-Import Bank Act of 1945,[655] or the Arms Export Control Act, to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the waiver (including the justification for the waiver) in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

(c) If sanctions are imposed on a country pursuant to subsection (a) because of its support for international terrorism, the President should call upon other countries to impose similar sanctions on that country.

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[653] 22 U.S.C. 2371. Sec. 620A was added by sec. 303 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329, 90 Stat. 753).

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Public Law 100-202, 101 Stat. 1329-178) provided the following:

"OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

"Sec. 575. (a) Instructions for United States Executive Directors.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

"(b) Definition.—For purposes of this section, the term "international financial institution" includes—

"(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

"(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the African Development Fund.

"PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

"Sec. 576. Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to fiscal year 1988—

"(1) shall not be obligated or expended for assistance to a country listed in section 6(j) of the Export Administration Act of 1979 on the date of enactment of this Act or placed on that list thereafter,

"(2) if obligated before such date as assistance for such country, shall not disbursed, and

"(3) if expended before such date for assistance to be delivered to such country from the United States or by United States nationals, then no such delivery shall be made,

unless such assistance is for humanitarian purposes."

[654] Sec. 620A was amended and restated by sec. 503(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 220). It formerly read:

"Sec. 620A. Prohibition Against Furnishing Assistance to Countries Which Grant Sanctuary to International Terrorists.—(a) Except where the President finds national security to require otherwise, the President shall terminate all assistance under this Act to any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism and the President may not thereafter furnish assistance to such government until the end of the one year period beginning on the date of such termination, except that if during its period of ineligibility for assistance under this section such government aids or abets, by granting sanctuary from prosecution to, any other individual or group which has committed an act of international terrorism, such government's period of ineligibility shall be extended for an additional year for each such individual or group.

"(b) If the President finds that national security justifies a continuation of assistance to any government described in subsection (a), he shall report such finding to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate."

[655] The reference to the Export-Import Bank Act of 1945 was added by sec. 521 of the Further Continuing Appropriations, 1986 (Public Law 99-190, 99 Stat. 1305).

Sec. 660.[837] **Prohibiting Police Training.**—(a)[838] On and after July 1, 1975, none of the funds made available to carry out this Act, and none of the local currencies generated under this Act, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

(b) Subsection (a) of this section shall not apply—

(1) with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968[839] with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States, or with respect to assistance authorized under section 482 of this Act;

(2) to any contract entered into prior to the date of enactment of this section with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program; or

(3)[840] with respect to assistance, including training, in maritime law enforcement and other maritime skills.

Notwithstanding clause (2), subsection (a) shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after such date of enactment.

(c)[838, 841] Subsection (a) shall not apply with respect to a country which has a longstanding democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of internationally recognized human rights.

(d)[841, 842] Notwithstanding the prohibition contained in subsection (a), assistance may be provided to Honduras or El Salvador for fiscal years 1986 and 1987 if, at least 30 days before providing assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act, that he has determined that the government of the recipient country has made significant progress, during the preceding six months, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the non-violent expression of their political views, or prolonged detention without trial. Any such notification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

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[837] 22 U.S.C. 2420. Sec. 660 was added by sec. 30(a) of the FA Act of 1974.

[838] Sec. 4205(b) of the Omnibus Anti-Substance Abuse Act of 1988 (Public Law 100-690, 102 Stat. 4279) waived certain provisions of sec. 660(a) for fiscal years 1989 and 1990, with respect to assistance provided under chapter 2 of part II (relating to the grant military assistance program) "to countries described in subsection (c) for the procurement, for use in narcotics control, eradication, and interdiction efforts, of weapons or ammunition for foreign law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement."

[839] Public Law 90-351, 82 Stat. 197, approved June 19, 1968. Such sec. 515(c) was redesignated as sec. 515(b) by sec. 124 of Public Law 94-503.

[840] Clause (3) was added by sec. 127(b) by Public Law 99-83, 99 Stat 205.

[841] Subsecs. (c) and (d) were added by sec. 711 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 244).

[842] Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461, 102 Stat. 2268), under the heading "Economic Support Fund", provided:

"That notwithstanding section 660 of the Foreign Assistance Act of 1961 up to $1,000,000 of the funds appropriated under this heading may be made available to assist the Government of El Salvador's Special Investigative Unit for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador: *Provided further*, That a report of the investigation shall be provided to the Congress".

See also Presidential Determination No. 86-2 of October 29, 1985, 50 F.R. 48073, "Presidential Determination to Make Available Assistance to the Public Security Forces in El Salvador."

F. General Human Rights Conditions on Foreign Assistance

1. Foreign Assistance Act of 1961 (Public Law 87-195), as amended, Sec. 116 & Sec. 502B

Sec. 116.[56] **Human Rights.**—(a) No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons,[57] or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

(b) In determining whether this standard is being met with regard to funds allocated under this part, the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives may require the Administrator primarily responsible for administering part I of this Act to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 617 of this Act.

(c)[58] In determining whether or not a government falls within the provisions of subsection (a) and in formulating development as-

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[54] Sec. 114, as added by the FA Act of 1973, was repealed by sec. 104(b) of the International Development and Food Assistance Act of 1978 (Public Law 95-424, 92 Stat. 947). See sec. 104(f) (page 32) of this Act for new language concerning this issue.

[55] Sec. 115, as added by the FA Act of 1974, was repealed by sec. 102(f) of the International Development and Food Assistance Act of 1978 (Public Law 95-424, 92 Stat. 942).

[56] 22 U.S.C. 2151n. Sec. 116 was added by sec. 310 of Public Law 94-161 (89 Stat. 849).

[57] This phrase beginning with "causing the disappearance of * * *" was added by sec. 701(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533, 94 Stat. 3156).

[58] Sec. 111 of the International Development and Food Assistance Act of 1977 (Public Law 95-88, 91 Stat. 537) amended and restated subsecs. (c) and (d), and added a new subsec. (e). Subsecs. (c) and (d) formerly read as follows:

"(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross,

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sistance programs under this part, the Administrator shall consider, in consultation with the Assistant Secretary[59] for Human Rights and Humanitarian Affairs—

(1) the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States; and

(2) specific actions which have been taken by the President or the Congress relating to multilateral or security assistance to a less developed country because of the human rights practices or policies of such country.

(d)[58] The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding—

(1)[60] the status of internationally recognized human rights, within the meaning of subsection (a)—

(A) in countries that receive assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act;

(2)[61] wherever applicable, practices regarding coercion in population control, including coerced abortion and involuntary sterilization; and

(3) the steps the Administrator has taken to alter United States programs under this part in any country because of human rights considerations.

(e)[58] (1)[62] The President is authorized and encouraged to use not less than $3,000,000 of the funds made available under this

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or groups or persons acting under the authority of the United Nations or of the Organization of American States.

"(d) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, in the annual presentation materials on proposed economic development assistance programs, a full and complete report regarding the steps he has taken to carry out the provisions of this section."

[59] The words "Assistant Secretary" were inserted in lieu of "Coordinator" by sec. 109(a)(2) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-105, 91 Stat. 846).

[60] Par. (1) was amended and restated by sec. 504 of the International Development Cooperation Act of 1979 (Public Law 96-53, 93 Stat. 378) by adding the requirement contained in clause (B). Sec. 504 also required a report from the Secretary of State by Nov. 15, 1979, on the impact on the foreign relations of the United States of the reports required by this Act on the human rights practices of foreign governments.

[61] A new paragraph (2) was added and the former paragraph (2) redesignated as paragraph (3) by sec. 127 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204, 101 Stat. 1342).

[62] The first phrase in par. (1), "The President is authorized and encouraged to use not less than", was added by sec. 109(1) of the International Development and Food Assistance Act of 1978 (Public Law 94-424, 92 Stat. 947).

The authorization level of $3,000,000 and the reference to funds available under chapter 4 of part II were added by sec. 1002(a)(1) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164, 97 Stat. 1052). Previously, amendments by sec. 306 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113, 95 Stat. 1533), sec. 504 of Public Law 96-533 (94 Stat. 378), and sec. 109(2) of Public Law 94-424 (92 Stat. 947) authorized the use of $1,500,000 for this purpose in fiscal years 1982/1983, fiscal year 1981,

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chapter and chapter 4 of part II for each fiscal year for studies to identify, and for openly carrying out, programs and activities which will encourage or promote increased adherence to civil and political rights, as set forth in the Universal Declaration of Human Rights, in countries eligible for assistance under this chapter. None of these funds may be used, directly or indirectly, to influence the outcome of any election in any country.

(2) [62] (A) Of the amounts made available to carry out this subsection, $500,000 for the fiscal year 1984, $1,000,000 for the fiscal year 1985, and $1,500,000 for the fiscal year 1986 and for each fiscal year thereafter shall be used for grants to nongovernmental organizations in South Africa promoting political, economic, social, juridical, and humanitarian efforts to foster a just society and to help victims of apartheid.

(B) In making grants under this paragraph, priority should be given to those organizations or activities which contribute, directly or indirectly, to promoting a just society, to aiding victims of official discrimination, and to the nonviolent elimination of apartheid. Priority should also be given to those organizations whose programs and activities evidence community support. Grants may be made only for organizations whose character and membership reflect the objective of a majority of South Africans for an end to the apartheid system of separate development and for interracial cooperation and justice. Grants may not be made under this paragraph to governmental institutions or organizations or to organizations financed or controlled by the Government of South Africa.

(C)(i) Except as provided in clause (ii), grants under this paragraph may not exceed $10,000.

(ii) Of the amounts allocated to carry out this paragraph, $100,000 shall be available each fiscal year only for grants to organizations which have available for their use resources whose value is at least equal to the amount of the grant under this paragraph. Grants of up to $30,000 may be made to such organizations. For purposes of this clause, the term "resources" includes, in addition to cash assets, in-kind assets and contributions such as equipment, materials, and staff and volunteer time.

(D) Within 9 months after the date of enactment of this paragraph, the Administrator of the Agency for International Development shall prepare, in consultation with the Secretary of State, and shall submit to the Congress a report detailing grants and proposed grants under this paragraph and their conformity with the provisions of this paragraph.

(f) [63] (1) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, not less than $500,000 shall be used for direct legal and other assistance to political detainees and prisoners and their families, including the investigation of the killing of

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and fiscal year 1979, respectively. The original text of subsec. (e), added by sec. 111 of Public Law 95-88 (91 Stat. 537), authorized the use of $750,000 for this purpose during fiscal year 1978.

The authorization level of $1,500,000 for the fiscal year 1986 and for each fiscal year thereafter was added by sec. 202 of Public Law 99-440 (100 Stat. 1095).

The paragraph designation "(1)" and a new par. (2) were added by sec. 1002(a)(3) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164, 97 Stat. 1052).

[63] Subsecs. (f) and (g) were added by sec. 202(b) of Public Law 99-440 (100 Stat. 1095).

protesters and prisoners, and for support for actions of black-led community organizations to resist, through nonviolent means, the enforcement of apartheid policies such as—

(A) removal of black populations from certain geographic areas on account of race or ethnic origin,

(B) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites,

(C) residence restrictions based on race or ethnic origin,

(D) restrictions on the rights of blacks to seek employment in South Africa and to live wherever they find employment in South Africa, and

(E) restrictions which make it impossible for black employees and their families to be housed in family accommodations near their place of employment.

(2)(A) No grant under this subsection may exceed $100,000.

(B) The average of all grants under this subsection made in any fiscal year shall not exceed $70,000.

(g)[63] Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, $175,000 shall be used for direct assistance to families of victims of violence such as "necklacing" and other such inhumane acts. An additional $175,000 shall be made available to black groups in South Africa which are actively working toward a multi-racial solution to the sharing of political power in that country through nonviolent, constructive means.

Sec. 502B.[419] **Human Rights.**—(a)(1)[420] The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

(2)[421] Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. Security assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1979[422] for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979), that extraordinary circumstances exist warranting provision of such assistance and issuance of such licenses. Assistance may not be provided under chapter 5 of this part to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance.[423]

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[419] 22 U.S.C. 2304. Sec. 502B, which was added by sec. 46 of the FA Act of 1974, was amended by sec. 301(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329, 90 Stat. 748), and by the Export Administration Amendments Act of 1985 (Public Law 99-64, 99 Stat. 156.) It formerly read as follows:

"Sec. 502B. Human Rights.—It is the sense of Congress that except in extraordinary circumstances, the President shall substantially reduce or terminate security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; or other flagrant denials of the right to life, liberty, and the security of the person.

"(b) Whenever proposing or furnishing security assistance to any government falling within the provisions of paragraph (a), the President shall advise the Congress of the extraordinary circumstances necessitating the assistance.

"(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation by such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross and anybody acting under the authority of the United Nations or of the Organization of American States.

"(d) For purposes of this section, 'security assistance' means assistance under chapter 2 (military assistance) or chapter 4 (security supporting assistance) of this part, assistance under part V (Indochina Postwar Reconstruction) or part VI (Middle East Peace) of this Act, sales under the Foreign Military Sales Act, or assistance for public safety under this or any other Act."

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461, 102 Stat. 2268) provided the following:

"HUMAN RIGHTS

"Sec. 511. Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights."

[420] Par. (1) was amended and restated by sec. 6(a) of the International Security Assistance Act of 1978 (Public Law 95-384, 92 Stat. 731).

[421] The words "It is further the policy of the United States that," which previously appeared at this point, were struck by sec. 6(b) of the International Security Assistance Act of 1978 (Public Law 95-384, 92 Stat. 731).

[422] The reference to the Export Administration Act of 1979 was substituted in lieu of a reference to the Export Administration Act of 1969 by sec. 704 of the International Security and Development Cooperation Act of 1980 (Public Law 96-533, 94 Stat. 3157).

(3) In furtherance of paragraphs (1) and (2),[424] the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, [425] with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization.[426] In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

(c)(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs,[425] with respect to the country designated in such request, setting forth—

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[423] The final two sentences of par. (2) were added by sec. 6 of the International Security Assistance Act of 1978 (Public Law 95-384, 92 Stat. 731, 732).

[424] The words "paragraphs (1) and (2)," were substituted in lieu of "the foregoing policy" by sec. 6(e) of the International Security Assistance Act of 1978 (Public Law 95-384, 92 Stat. 732).

[425] Sec. 109(a)(3) of the Foreign Relations Authorization Act, fiscal year 1978 (Public Law 95-105, 91 Stat. 846) substituted the title designation of Assistant Secretary of State in lieu of Coordinator.

[426] The sentence beginning "Wherever applicable" was added by sec. 127 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204, 101 Stat. 1331).

(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

(B) the steps the United States has taken to—

(i) promote respect for and observance of human rights in that country and discourage any practices which are inimical to internationally recognized human rights, and

(ii) publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;

(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

(D) such other information as such committee or such House may request.

(2)(A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) The term "certification", as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

(4)(A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

(d) For the purposes of this section—

(1) the term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the

abduction and clandestine detention of those persons,[427] and other flagrant denial of the right to life, liberty, or the security of person; and

(2) the term "security assistance" means—

(A) assistance under chapter 2 (military assistance) or chapter 4 (economic support fund)[428] or chapter 5 (military education and training) or chapter 6 (peacekeeping operations) or chapter 8 (antiterrorism assistance) of this part;[429]

(B) sales of defense articles or services, extensions of credits (including participations in credits),[430] and guaranties of loans under the Arms Export Control Act; or

(C) any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act.[431]

(e)[432] Notwithstanding any other provision of law, funds authorized to be appropriated under part I of this Act may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States.

(f)[433] In allowing the funds authorized to be appropriated by this Act and the Arms Export Control Act, the President shall take into account significant improvements in the human rights records of recipient countries, except that such allocations may not contravene any other provision of law.

(g)[434] Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's human rights record.

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[427] The words "causing the disappearance of persons by the abduction and clandestine detention of those persons," were added by sec. 701(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533, 94 Stat. 3156).

[428] The words "economic support fund" were substituted in lieu of "security supporting assistance" by sec. 10(b)(1) of the International Security Assistance Act of 1978 (Public Law 95-384, 92 Stat. 735).

[429] Sec. 12(b) of the International Security Assistance Act of 1978 (Public Law 95-384, 92 Stat. 737) added the words "or chapter 6 (peacekeeping operations)" and struck the words "or part VI (assistance to the Middle East) of this Act" which had previously been the final phrase of this paragraph.

The International Security and Development Assistance Authorizations Act of 1983 (sec. 101(b)(2) of the Further Continuing Appropriations Act, 1984; Public Law 98-151) added the words "or chapter 8 (antiterrorism assistance)". Pursuant to Public Law 98-151, this amendment was enacted as stated in title II of H.R. 2992, as reported by the House Committee on Foreign Affairs on May 17, 1983.

[430] While the printed slip law did not include a close parentheses in subpar. (B), it is interpreted that such a mark was intended to be inserted at this point.

[431] For text, see page 298.

[432] Subsec. (e) was added by sec. 511 of the International Development Cooperation Act of 1979 (Public Law 96-53, 93 Stat. 380).

[433] Subsec. (f) was added by sec. 4 of the International Security Assistance Act of 1979 (Public Law 96-92, 93 Stat. 702).

[434] Subsec. (g) was added by sec. 1201 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 276).

2. International Financial Institutions Act,
(Public Law 95-118, October 3, 1977), as amended
Title VII

TITLE VII—HUMAN RIGHTS

Sec. 701.[3] (a) The United States Government, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Bank, and the African Development Bank,[4] shall advance the cause of human rights, including by seeking to channel assistance toward countries other than those whose governments engage in—

(1) a [5] pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person; or

(2) provide refuge to individuals committing acts of international terrorism by hijacking aircraft.

(b) Further, the Secretary of the Treasury shall instruct each Executive Director of the above institutions to consider in carrying out his duties:

(1) specific actions by either the executive branch or the Congress as a whole on individual bilateral assistance programs because of human rights considerations;

(2) the extent to which the economic assistance provided by the above institutions directly benefit the needy people in the recipient country;

(3) whether the recipient country has detonated a nuclear device or is not a State Party to the Treaty on Non-Proliferation of Nuclear Weapons or both; and

(4) in relation to assistance for the Socialist Republic of Vietnam, the People's Democratic Republic of Laos, and Democratic Kampuchea (Cambodia), the responsiveness of the governments of such countries in providing a more substantial accounting of Americans missing in action.

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[3] 22 U.S.C. 262d.

[4] The reference to the African Development Bank was added by sec. 1342(b) of Public Law 97-35 (95 Stat. 743).

[5] Sec. 1004(1) of Public Law 98-181 (97 Stat. 1286) struck out the word "consistent" which previously appeared at this point.

(c)(1)[6] The Secretaries of State and Treasury shall report annually to the Speaker of the House of Representatives and the President of the Senate on the progress toward achieving the goals of this title, excluding section 704[7] and including the listing required in subsection (d).

(2)[6] (A) The Secretary of the Treasury shall report quarterly on all loans considered by the Boards of Executive Directors of the institutions listed in subsection (a) to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Each such quarterly report shall include a list of all loans considered by the Boards of Executive Directors of such institutions and shall specify with respect to each such loan—

(i) the institution involved;

(ii) the date of final action;

(iii) the borrower;

(iv) the amount;

(v) the project or program;

(vi) the vote of the United States Government;

(vii) the reason for United States Government opposition, if any;

(viii) the final disposition of the loan; and

(ix) if the United States Government opposed the loan, whether the loan meets basic human needs.

(B) The information required to be reported under subparagraph (A) also shall be included in the annual report to the Congress of the National Advisory Council on International Monetary and Financial Policies.

(d) The United States Government, in connection with its voice and vote in the institutions listed in subsection (a), shall seek to channel assistance to projects which address basic human needs of the people of the recipient country. The annual report required under subsection (c) shall include a listing of categories of such assistance granted, with particular attention to categories that address basic human needs.

(e) In determining whether a country is in gross violation of internationally recognized human rights standards, as defined by the provisions of subsection (a), the United States Government shall give consideration to the extent of cooperation of such country in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations including, but not limited to, the International Committee of the Red Cross, Amnesty International, the International Commission of Jurists, and groups or persons acting under the authority of the United Nations or the Organization of American States.

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[6] Paragraph designation "(1)" and a new par. (2) were added by sec. 501(a) of Public Law 96-259 (94 Stat. 431).

[7] Sec. 211 of Public Law 97-375 (96 Stat. 1826) added the language excluding sec. 704.

(f) The United States Executive Directors of the institutions listed in subsection (a) are authorized and instructed to oppose any loan, any extension of financial assistance, or any technical assistance to any country described in subsection (a) (1) or (2), unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of such country.

(g) [8] (1) Not later than thirty days after the end of each calendar quarter,[9] the Secretary of the Treasury, in consultation with the Secretary of State, shall report to the chairmen and ranking minority members of the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the Subcommittee on International Development Institutions and Finance of such Committee, and the Committee on Foreign Relations of the Senate, in each instance in which the United States Executive Director of an institution listed in subsection (a) opposes any loan, financial assistance, or technical assistance for reasons regarding human rights. Each such report shall include—

(A) the reasons for such opposition;

(B) all policy considerations taken into account in reaching the decision to oppose such loan, financial assistance, or technical assistance;

(C) a description of the human rights conditions in the country involved;

(D) a record of how the United States Government voted on all other loans, financial assistance, and technical assistance to such country during the preceding two years; and

(E) information as to how the decision to oppose such loan, financial assistance, or technical assistance relates to overall United States Government policy on human rights in such country.

(2) The Secretary of the Treasury or his delegate shall consult frequently and in a timely manner with the chairmen and ranking minority members specified in paragraph (1) to inform them regarding any prospective changes in policy direction toward counties which have or recently have had poor human rights records.

Sec. 702. Section 28 of the Inter-American Development Bank Act, as amended (22 U.S.C. 283y), section 211 of the Act of May 31, 1976 (22 U.S.C. 290g-9), and section 15 of the International Development Association Act, as amended (22 U.S.C. 284m), are repealed.

Sec. 703.[10] (a) The Secretary of State and the Secretary of the Treasury shall initiate a wide consultation designed to develop a viable standard for the meeting of basic human needs and the protection of human rights and a mechanism for acting together to insure that the rewards of international economic cooperation are especially available to those who subscribe to such standards and are seen to be moving toward making them effective in their own system of governance.

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[8] Subsec. (g) was added by sec. 501(b) of Public Law 96-259 (94 Stat. 432).

[9] Sec. 1004(2) of Public Law 98-181 (97 Stat. 1286) added the requirement that this quarterly report be submitted within 30 days after the end of each calendar quarter.

[10] 22 U.S.C. 262c note.

(b) Not later than one year after the date of enactment of this Act, the Secretary of State and the Secretary of the Treasury shall report to the President of the Senate and the Speaker of the House of Representatives on the progress made in carrying out this section.

Sec. 704.[11] The President shall direct the United States Executive Directors of such international financial institutions to take all appropriate actions to keep the salaries and benefits of the employees of such institutions to levels comparable to salaries and benefits of employees of private business and the United States Government in comparable positions.

Sec. 705.[12] The President shall direct the United States Governor of the International Bank for Reconstruction and Development, the United States Governor of the International Finance Corporation, the United States Governor of the International Development Association, the United States Governor of the Inter-American Development Bank, the United States Governor of the Asian Development Bank, and the United States Governor of the African Development Fund, to consult with the other Governors of those institutions concerning adoption of an amendment to the Articles of Agreement of their respective institutions to establish human rights standards to be considered in connection with each application for assistance.

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[11] 22 U.S.C. 262e.

[12] 22 U.S.C. 262d note. Sec. 705 was added by sec. 501(c) of Public Law 96-259 (94 Stat. 432).

G. International Narcotics Control Assistance and Cooperation Legislation

2. Foreign Assistance Act of 1961 (Public Law 87-195), as amended, Sec. 126
Chapter 8

Sec. 126.[91] Development and Illicit Narcotics Production.—(a) The Congress recognizes that illicit narcotics cultivation is related to overall development problems and that the vast majority of all individuals employed in the cultivation of illicit narcotics reside in the developing countries and are among the poorest of the poor in those countries and that therefore the ultimate success of any effort to eliminate illicit narcotics production depends upon the availability of alternative economic opportunities for those individuals, upon other factors which assistance under this chapter could address, as well as upon direct narcotics control efforts.

(b)(1) [92] In planning programs of assistance under this chapter and under chapter 4 of part II [92] for countries in which there is illicit narcotics cultivation, the agency primarily responsible for administering this part should give priority consideration to programs which would help reduce illicit narcotics cultivation by stimulating broader development opportunities.

(2) [92] The agency primarily responsible for administering this part may utilize resources for activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

(c) In furtherance of the purposes of this section, the agency primarily responsible for administering this part shall cooperate fully with, and share its expertise in development matters with, other agencies of the United States Government involved in narcotics control activities abroad.

Chapter 8—International Narcotics Control [337]

Sec. 481.[338] International Narcotics Control.—(a) [339] (1) It is the sense of the Congress that—

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[91] 22 U.S.C. 2151x. Sec. 126 was added by sec. 110 of the International Development Cooperation Act of 1979 (Public Law 96-53, 93 Stat. 363).

[92] Sec. 603 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 190), amended subsec. (b) by inserting the words: "and under chapter 4 of Part II" and by inserting the paragraph designation "(1)", and by adding a new paragraph (2).

[337] Chapter 8 was added by sec. 109 of the FA Act of 1971.

For other important legislation related to narcotics control, see the International Narcotics Control Act of 1988 (title IV of Public Law 100-690, 102 Stat. 4261); International Narcotics Control Act of 1986 (title II of Public Law 99-570, 100 Stat. 3207); and title VI of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 190).

[338] 22 U.S.C. 2291. Sec. 481 was added by sec. 109 of the FA Act of 1971. Sec. 503 of the Foreign Relations Authorization Act of 1972 amended sec. 481 and added sec. 482. Sec. 481 previously read as follows:

"It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, and traffic in, narcotic and psychotropic drugs. In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agriculture Trade Development and Assistance Act of 1954 with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter."

[339] Subsection designation "(a)" and subsec. (b) were added by sec. 11(a) of the FA Act of 1973. Subsec. (a) was subsequently amended by sec. 1003(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164, 97 Stat. 1053).

Under the FA Act of 1971, funds to implement sec. 481 were available from any funds made available to carry out this Act.

(A) under the Single Convention on Narcotic Drugs, 1961, each signatory country has the responsibility of limiting to licit purposes the cultivation, production, manufacture, sale, and other distribution of scheduled drugs;

(B) [340] suppression of international narcotics trafficking is among the most important foreign policy objectives of the United States;

(C) [340] the international community should provide assistance, where appropriate, to those producer and transit countries which require assistance in discharging these primary obligations;

(D) [340] international narcotics control programs should include, as a priority, the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived, and should also include the suppression of the illicit manufacture of and traffic in narcotic and psychotropic drugs; and

(E) [340] effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs.

This cooperation should include the development and transmittal of plans by each signatory country to the Single Convention on Narcotic Drugs, 1961, in which illicit narcotics and psychotropic crop cultivation exists, which would advise the International Narcotics Control Board, the United Nations Commission on Narcotic Drugs, and the international community of the strategy, programs, and timetable such country has established for the progressive elimination of that cultivation.

(2) In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotics analgesics, including opium and its derivatives, other narcotic and psychotropic drugs, and other controlled substances.

(3) [341] In order to promote international cooperation in combating international trafficking in illicit narcotics, it shall be the policy of the United States to use its voice and vote in multilateral development banks to promote the development and implementation in the major illicit drug producing countries of programs for the reduction and eventual eradication of narcotic drugs and other controlled substances, including appropriate assistance in conjunction with effective programs of illicit crop eradication.

(4) Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, or such terms and conditions as he may determine, for the control of narcotic and psychotropic drugs and other controlled substances.

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[340] Sec. 4502 of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4285) redesignated subpara. (B) through (D) as (C) through (E) and added subparagraph (B).

[341] Par. (3) was added by sec. 2017 of Public Law 99-570, 100 Stat. 3207-68. Sec. 2017 redesignated the previous par. (3) as par. (4).

(b)[339, 342] (1) Not later than 45 days after the end of each calendar quarter, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programming and obligation, on a calendar basis, of funds under this chapter prior to the end of that quarter. The last such report for each fiscal year shall include the aggregate obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to end of that fiscal year—

(A) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of the United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

(B) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

(C) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.

(2) Not later than August 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this chapter prior to such date. Such midyear report shall include, but not be limited to, the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter.

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[342] Subsec. (b) was amended by sec. 604 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 228). It previously read:

"(b)(1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programming and obligation, on a calendar quarter basis, of funds under this chapter prior to such date.

"(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this chapter prior to such date. Such semiannual report shall include, but shall not be limited to—

"(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter; and

"(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to such date—

"(i) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter including the cost of United States personnel engaged in carrying out such purposes in each such country and with such international organization;

"(C) international narcotics control programs should include, as a priority, the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived, and should also include the suppression of the illicit manufacture of and traffic in narcotic and psychotropic drugs; and

"(D) effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in and abuse of narcotic and psychotropic drugs."

(c) [343] (1) No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law. This paragraph does not prohibit an officer or employee from assisting foreign officers who are effecting an arrest.

(2) Unless the Secretary of State, in consultation with the Attorney General, has determined that the application of this paragraph with respect to that foreign country would be harmful to the national interests of the United States, no officer or employee of the United States may engage or participate in any direct police arrest action in a foreign country with respect to narcotics control efforts, notwithstanding any other provision of law. Nothing in paragraph (1) shall be construed to allow United States officers or employees to engage or participate in activities prohibited by this paragraph in a country with respect to which this paragraph applies.

(3) Paragraphs (1) and (2) do not prohibit an officer or employee from taking direct action to protect life or safety if exigent circumstances arise which are unanticipated and which pose an immediate threat to United States officers or employees, officers or employees of a foreign government, or members of the public.

(4) With the agreement of a foreign country, paragraphs (1) and (2) shall not apply with respect to maritime law enforcement operations in the territorial sea of that country.

(5) No officer or employee of the United States may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person.

(6) This subsection shall not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.

(d) [344] (1) The Secretary of State shall inform the Secretary of Health and Human Services of the use or intended use by any country or international organization of any herbicide to eradicate marihuana in a program receiving assistance under this chapter.

(2) The Secretary of Health and Human Services shall monitor the impact on the health of persons who may use or consume marihuana of the spraying of a herbicide to eradicate such marihuana in a program receiving assistance under this chapter, and if the Secretary determines that such persons are exposed to amounts of such herbicide which are harmful to their health, the Secretary shall prepare and transmit a report to the Congress setting forth such determination together with any recommendations the Secretary may have.

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[343] Subsec. (c) was comprehensively amended and restated by sec. 2009 of Public Law 99-570, 100 Stat. 3207-64. Subsec. (c), the "Mansfield Amendment", was originally added by sec. 504(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329, 90 Stat. 764).

[344] Subsec. (d), as added by sec. 4 of Public Law 95-384 (92 Stat. 730) and amended by sec. 3(b) of Public Law 96-92 (93 Stat. 702), was amended and restated by sec. 502(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113, 95 Stat. 1538). Sec. 502(a) (2) and (3) of Public Law 97-113 also stipulated the conditions under which funds appropriated prior to enactment of this amendment could be utilized generally, and specifically in the case of assistance for Colombia appropriated in fiscal year 1980. See page 406 for complete text of these conditions.

(3)[345] Of the funds authorized to be appropriated for the fiscal year 1982 under section 482, the President is urged to use not less than $100,000 to develop a substance that clearly and readily warns persons who may use or consume marihuana that it has been sprayed with the herbicide paraquat or other herbicide harmful to the health of such person.

(4)[345] If the Secretary of Agriculture determines that a substance has been developed that clearly and readily warns persons who may use or consume marihuana that it has been sprayed with the herbicide paraquat or other herbicide harmful to the health of such persons, such substance shall be used in conjunction with the spraying of paraquat or such other herbicide in any program receiving assistance under this chapter.

(5)[346] (A) The President, with the assistance of appropriate Federal agencies, shall monitor any use under this chapter of a herbicide in the aerial eradication of coca in order to determine the impact of such use on the environment and on the health of individuals.

(B) The President shall report on such impact in the annual report required by subsection (e).

(C) If the President determines that any such use is harmful to the environment or the health of individuals, the President shall immediately report that determination to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, together with such recommendations as the President deems appropriate.

(e)[347] (1) Not later than March[348] 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on United States policy to establish and encourage an international strategy to prevent the illicit cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances.

(2)(A) Each report pursuant to this subsection shall describe the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international narcotics control, including policy development, bilateral and multilateral funding and other support for international narcotics control projects, representations of the

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[345] Sec. 502(a)(4) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113, 95 Stat. 1539) provided that pars. (3) and (4) of sec. 481 "shall apply only to the extent provided in advance in an appropriations Act. For such purpose, the funds described in those paragraphs are authorized to be made available for the purposes specified in those paragraphs."

[346] Sec. 5 was added by sec. 4202(b) of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4267).

[347] Subsec. (e), as added by sec. 502(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113, 95 Stat. 1539), was amended and restated by sec. 1003(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164, 97 Stat. 1053).

Sec. 804 of Public Law 99-570 (100 Stat. 3207), provided as follows:

"Sec. 804. The Progress Reports.—The President shall include as a part of the annual report required under section 481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 229(e)(1)) an evaluation of progress that each major drug producing country and each major drug-transit country has made during the reporting period in achieving the objectives set forth in section 802(b)."

[348] Sec. 2005(b) of Public Law 99-570 (100 Stat. 3207), substituted the word "March" in lieu of "February."

United States Government to international organizations and agencies concerned with narcotics control, training of foreign enforcement personnel, coordination of the international narcotics control activities of United States Government agencies, and technical assistance to international demand reduction programs.

(B) Each such report shall also describe the activities of the United States in international financial institutions to combat the entry of illicit narcotic and psychotropic drugs and other controlled substances into the United States.

(C) Each such report shall describe the activities for the fiscal year just ended, for the current fiscal year, and for the next fiscal year.

(3) Each such report shall identify those countries which are the significant direct or indirect sources of illicit narcotic and psychotropic drugs and other controlled substances significantly affecting the United States. For each such country, each report shall include the following:

(A) A detailed status report, with such information as can be reliably obtained, on the illicit narcotic or psychotropic drugs or other controlled substances which are being cultivated, produced, or processed in or transported through such country, noting significant changes in conditions, such as increases or decreases in the illicit cultivation and manufacture of and traffic in such drugs and substances.

(B) A description of the assistance under this chapter and the other kinds of United States assistance which such country received in the preceding fiscal year, which are planned for such country for the current fiscal year, and which are proposed for such country for the next fiscal year, with an analysis of the impact that the furnishing of each such kind of assistance has had or is expected to have on the illicit cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances in such country.

(C) A description of the plans, programs, and timetables adopted by such country for the progressive elimination of the illicit cultivation of narcotic and psychotropic drugs and other controlled substances, and a discussion of the adequacy of the legal and law enforcement measures taken and the accomplishments achieved in accord with these plans.

(D)[349] A discussion of the extent to which such country has cooperated with the United States narcotics control efforts through the extradition or prosecution of drug traffickers, and, where appropriate, a description of the status of negotiations with such country to negotiate a new or updated extradition treaty relating to narcotics offenses.

(4) In addition, each report pursuant to this subsection shall include, for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, a determination by the President of the maximum reductions in illicit drug production which are achievable during the next fiscal year. Each determination of the President under the

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[349] Subpar. (D) was added by sec. 2008 of Public Law 99-570, 100 Stat. 3207-64.

preceding sentence shall be expressed in numerical terms, such as the number of acres of illicitly cultivated controlled substances which can be eradicated.[350] Such determination shall be based upon (A) the measures which the country is currently taking, and the measures which the country has planned for the next fiscal year, in order to prevent narcotic and psychotropic drugs and other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part in such country, from being transported through such country to United States Government personnel or their dependents, or from entering the United States unlawfully, and (B) the other information provided pursuant to this subsection.

(5) For each major illicit drug producing country which received United States assistance for the preceding fiscal year, each report pursuant to this subsection shall set forth the actual reductions in illicit drug production achieved by that country during such fiscal year.

(6)[351] Each report pursuant to this subsection shall describe the involvement of any foreign government (including any communist government) in illicit drug trafficking during the preceding fiscal year, including—

(A) the direct or indirect involvement of such government (or any official thereof) in the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, and

(B) any other activities of such government (or any official thereof) which have facilitated illicit drug trafficking.

(7)[352] Each report pursuant to this subsection shall include specific comments and recommendations by appropriate Federal agencies involved in drug enforcement, including the United States Customs Service and the Drug Enforcement Administration, with respect to the degree to which countries listed in the report have cooperated fully with such agencies during the preceding year as described in subsection (h).

(8)[353] Each report pursuant to this subsection shall describe the United States assistance for the preceding fiscal year which was denied, pursuant to subsection (h), to each major illicit drug producing country and each major drug-transit country.

(f)[354] As soon as possible after the transmittal of the report required by subsection (e), the designated representatives of the President shall initiate appropriate consultations with members of the Committee on Foreign Relations of the Senate and members of the Committee on Foreign Affairs of the House of Representatives. Such consultations shall include in-person discussions by designated representatives of the President (including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, the Department of Justice, and the Agency for International Development) to review the worldwide illicit drug production situation and the role that United States assistance to major illicit drug producing countries, and United States contributions to international financial institutions, have in combating the entry of illicit narcotic and psychotropic drugs and other controlled substances into the United States. Such consultation shall include, with respect to each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, the furnishing of—

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[350] This sentence was added by sec. 4401 of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4275).

[351] Par. (6) was added by sec. 606 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 229).

[352] Paragraph (7) was added by sec. 805 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204, 101 Stat. 1331).

[353] Sec. 481(e)(8) was added by sec. 4402 of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4275).

[354] Subsecs. (f), (g), (i), and (j) were added by sec. 1003(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164, 97 Stat. 1053).

(1) a description of the nature of the illicit drug production problem;

(2) an analysis of the climatic, geographic, political, economic, and social factors that affect the illicit drug production;

(3) a description of the methodology employed to determine the maximum achievable reductions in illicit drug production described pursuant to subsection (e)(4); and

(4) an analysis of any additional United States assistance that would be required to achieve those reductions.

The chairman of the Committee on Foreign Relations and the chairman of the Committee on Foreign Affairs shall each cause the substance of each consultation to be printed in the Congressional Record.

(g) [354] After consultations have been initiated pursuant to subsection (f), the Committee on Foreign Relations and the Committee on Foreign Affairs should hold a hearing to review the report submitted pursuant to subsection (e), especially the determinations described in subsection (e)(4). The hearing shall be open to the public unless the committee determines, in accordance with the rules of its House, that the hearing should be closed to the public.

(h) [355] ANNUAL CERTIFICATION PROCEDURES.—

(1) WITHHOLDING OF BILATERAL ASSISTANCE AND OPPOSITION TO MULTILATERAL DEVELOPMENT ASSISTANCE.—(A) Fifty percent of the United States assistance allocated each fiscal year in the report required by section 653(a) for each major illicit drug producing country or major drug-transit country shall be withheld from obligation and expenditure, except as provided in paragraph (2).

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[355] Subsec. (h) was comprehensively amended and restated by sec. 4407(a) of Public Law 100-690, 102 Stat. 4277. Previous legislation required that the President, when making certification determinations, give foremost consideration to maximum achievable reductions in illicit production. Currently, reductions in illicit production are one of many criteria (others are primarily related to anti-narcotics law enforcement cooperation) for the President to consider when making determinations of certification. Previously, (h) was amended and restated by sec. 2005(a) of Public Law 99-570, 100 Stat. 3207.

Presidential Determination 88-10 of February 29, 1988, applying criteria of previous law, determined that Afghanistan, Iran, Panama and Syria did not meet standards set forth. The President determined and certified that the following major narcotics producing and/or major narcotics transit countries had met conditions: The Bahamas, Belize, Bolivia, Brazil, Burma, Colombia, Ecuador, Hong Kong, India, Jamaica, Malaysia, Mexico, Morocco, Nigeria, Pakistan, Peru, and Thailand. The President determined that it was in the vital national interest of the United States to certify Laos, Lebanon, and Paraguay.

In 1988, resolutions were introduced to decertify the Bahamas, Bolivia, Mexico, Paraguay, and Peru. Of these, the one to decertify Mexico, which passed the Senate on April 14, 1988, was the only one to pass either chamber of Congress.

(B) The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the United States Executive Director of the International Development Association, the United States Executive Director of the Inter-American Development Bank, and the United States Executive Director of the Asian Development Bank to vote, on and after March 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any major illicit drug producing country or major drug-transit country, except as provided in paragraph (2).

(2) CERTIFICATION PROCEDURE.—(A) Subject to paragraph (4), the assistance withheld from a country pursuant to paragraph (1)(A) may be obligated and expended, and the requirement of paragraph (1)(B) to vote against multilateral development bank assistance to a country shall not apply, if the President determines and certifies to the Congress, at the time of the submission of the report required by subsection (e), that—

(i) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own—

(I) in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in subparagraph (B)) or a multilateral agreement which achieves the objectives of subparagraph (B),

(II) in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States,

(III) in preventing and punishing the laundering in that country of drug-related profits or drug-related moneys, and

(IV) in preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts; or

(ii) for a country that would not otherwise qualify for certification under clause (i), the vital national interests of the United States require that the assistance withheld pursuant to paragraph (1)(A) be provided and that the United States not vote against multilateral development bank assistance for that country pursuant to paragraph (1)(B).

(B) A bilateral narcotics agreement referred to in subparagraph (A)(i)(I) is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

(i) reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution;

(ii) increase drug interdiction and enforcement;

(iii) increase drug treatment;

(iv) increase the identification of and elimination of illicit drug laboratories;

(v) increase the identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs;

(vi) increase cooperation with United States drug enforcement officials; and

(vii) where applicable, increase participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.

(C) A country which in the previous year was designated as a major illicit drug producing country or a major drug-transit country may not be determined to be cooperating fully under subparagraph (A)(i) unless it has in place a bilateral narcotics agreement with the United States or a multilateral agreement which achieves the objectives of subparagraph (B).

(D) If the President makes a certification with respect to a country pursuant to subparagraph (A)(ii), he shall include in such certification—

(i) a full and complete description of the vital national interests placed at risk if United States bilateral assistance to that country is terminated pursuant to this subsection and multilateral development bank assistance is not provided to such country; and

(ii) a statement weighing the risk described in clause (i) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

(E) The President may make a certification under subparagraph (A)(i) with respect to a major illicit drug producing country or major drug-transit country which is also a producer of licit opium only if the President determines that such country has taken steps to prevent significant diversion of its licit cultivation and production into the illicit market, maintains production and stockpiles at levels no higher than those consistent with licit market demand, and prevents illicit cultivation and production.

(3) MATTERS TO BE CONSIDERED.—In determining whether to make the certification required by paragraph (2) with respect to a country, the President shall consider the following:

(A) Have the actions of the government of that country resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to subsection (e)(4)? In the case of a major illicit drug producing country, the President shall give foremost consideration, in determining whether to make the determination required by paragraph (2), to whether the government of that country has taken actions which have resulted in such reductions.

(B) Has that government taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacturing of and trafficking in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States?

(C) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related moneys, as evidenced by—

(i) the enactment and enforcement by that government of laws prohibiting such conduct,

(ii) that government entering into, and cooperating under the terms of, mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

(iii) the degree to which that government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts?

(D) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts, as evidenced by the enactment and enforcement of laws prohibiting such conduct?

(E) Has that government, as a matter of government policy, encouraged or facilitated the production or distribution of illicit narcotic and psychotropic drugs and other controlled substances?

(F) Does any senior official of that government engage in, encourage, or facilitate the production or distribution of illicit narcotic and psychotropic drugs and other controlled substances?

(G) Has that government investigated aggressively all cases in which any member of an agency of the United States Government engaged in drug enforcement activities since January 1, 1985, has been the victim of acts or threats of violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof, and energetically sought to bring the perpetrators of such offense or offenses to justice?

(H) Having been requested to do so by the United States Government, does that government fail to provide reasonable cooperation to lawful activities of United States drug enforcement agents, including the refusal of permission to such agents engaged in interdiction of aerial smuggling into the United States to pursue suspected aerial smugglers a reasonable distance into the airspace of the requested country?

(I) Has that government made necessary changes in legal codes in order to enable law enforcement officials to move more effectively against narcotics traffickers, such as new conspiracy laws and new asset seizure laws?

(J) Has that government expeditiously processed United States extradition requests relating to narcotics trafficking?

(K) Has that government refused to protect or give haven to any known drug traffickers, and has it expeditiously processed extradition requests relating to narcotics trafficking made by other countries?

(4) Congressional review.—Paragraph (1) shall apply without regard to paragraph (2) if, within 45 days of continuous session (within the meaning of section 601(b)(1) of the International Security Assistance and Arms Export Control Act of 1976) after receipt of a certification under paragraph (2), the Congress enacts a joint resolution disapproving the determination of the President contained in such certification.

(5) [356] Denial of assistance for countries decertified.—If the President does not make a certification under paragraph (2) with respect to a country or the Congress enacts a joint resolution disapproving such certification, then until such time as the conditions specified in paragraph (6)(A) are satisfied—

(A) funds may not be obligated for United States assistance for that country, and funds previously obligated for United States assistance for that country may not be expended for the purpose of providing assistance for that country; and

(B) the requirement to vote against multilateral development bank assistance pursuant to paragraph (1)(B) shall apply with respect to that country, without regard to the date specified in that paragraph.

(6) Recertification.—(A) Paragraph (5) shall apply to a country until—

(i) the President makes a certification under paragraph (2) with respect to that country, and the Congress does not enact a joint resolution under paragraph (4) disapproving the determination of the President contained in that certification; or

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[356] Sec. 4407(b)(1)(A) of Public Law 100-690, 102 Stat. 4281, struck out an already standing paragraph (5) at this point. It previously read as follows:

"(5) Any country for which the President has not made a certification under paragraph (2) or with respect to which the Congress has enacted a joint resolution disapproving such certification may not receive United States assistance as defined by subsection (i)(4) of this section or the financing described in paragraph (1)(B) of this subsection unless—

"(A) the President makes a certification under paragraph (2) and the Congress does not enact a joint resolution of disapproval; or

"(B) the President submits at any other time a certification of the matters described in paragraph (2) with respect to such country and the Congress enacts, in accordance with the procedures of paragraph (4), a joint resolution approving such certification."

(ii) the President submits at any other time a certification of the matters described in paragraph (2) with respect to such country, and the Congress enacts a joint resolution approving the determination of the President contained in that certification.

(B)(i) Any joint resolution under this subsection [357] shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(ii) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(i) [354] As used in this section—

(1) the term "legal and law enforcement measures" means—

(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

(2) the term "major illicit drug producing country" means a country producing five metric tons or more of opium or opium derivative during a fiscal year or producing five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

(3) the term "narcotic and psychotropic drugs and other controlled substances" has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country of countries concerned;

(4) the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(A) assistance under this Act (including programs under title IV of chapter 2 of this part);

(B) sales, credits, and guaranties under the Arms Export Control Act;

(C) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(E) financing under the Export-Import Bank Act of 1945;

except that the term "United States assistance" does not include (i) international narcotics control assistance under this chapter, (ii) disaster relief assistance (including any assistance under chapter 9 of this part), (iii) assistance which involves the provision of food or medicine, (iv) assistance for refugees, (v) assistance under the Inter-American Foundation Act, (vi) [358] assistance from the Child Survival Fund under section 104(c)(2) of this Act, (vii) [359] assistance for narcotics education and awareness activities under section 126(b)(2) of this Act (but any such assistance shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of this Act), or (viii) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order Number 12333 (December 4, 1981); and

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[357] Subsec. (B)(i) was amended by sec. 4407(b)(1)(B)(i) and (ii) of Public Law 100-690. It previously read: "Any such joint resolution shall be considered..."

(5) [360] the term 'major drug-transit country' means a country—

(A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States;

(B) through which are transported such drugs or substances; or

(C) through which significant sums of drug-related profits or monies are laundered with the knowledge or complicity of the government.

(j) [354] The Department of State shall encourage the International Narcotics Control Board and the United Nations Commission on Narcotic Drugs to take such actions as are appropriate and necessary to secure from signatory countries to the Single Convention on Narcotic Drugs, 1961, the plans described in this section, and to obtain reports from such countries on their achievements under such plans.

(k) [361](1) For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under subsection (i)(5)(A) and (B) of this section.

(2) Not later than September 1 of each year, the Secretary of State shall make a preliminary determination of the numerical standards and other guidelines to be used pursuant to paragraph (1) with respect to that year and shall notify the appropriate committees of the Congress of those standards and guidelines.

(3) Not later than October 1 of each year, the Secretary of State shall notify the appropriate committees of the Congress of—

(A) which countries appear likely, as of that date, to be determined to be major drug-transit countries for that year under the numerical standards and other guidelines developed pursuant to this subsection; and

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[358] The text of "(vi)" was added by sec. 2005(d) of Public Law 99-570, 100 Stat. 3207-63.

[359] The text of "(vii)" was added by sec. 578(e)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461, 102 Stat. 2268). The text of (vii) was further amended by sec. 4403 of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4275), which changed "section 126" to "section 126(b)(2)" and added the parenthetical language.

[360] Para. (5) was added by sec. 2005(c)(3) of Public Law 95-570, 100 Stat. 3207-63.

[361] Sec. 481(k) was added by sec. 4405(a) of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4276).

(B) which countries appear likely, as of that date, to be determined to be major illicit drug producing countries for that year.

(4) Each report submitted pursuant to subsection (e) shall discuss—

(A) any changes made, since the notification provided pursuant to paragraph (2), in the numerical standards and other guidelines used in determining which countries were major drug-transit countries under subsection (i)(5)(A) and (B) during the preceding year; and

(B) any changes made, since the notification provided pursuant to paragraph (3)—

(i) in the countries determined to be major drug-transit countries under subsection (i)(5)(A) and (B) during the preceding year; or

(ii) in the countries determined to be major illicit drug producing countries for that year.

Sec. 482.[362] **Authorization.**—(a) [363] (1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $101,000,000 for fiscal year 1989.[364]

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[362] 22 U.S.C. 2291a. Sec. 482, as added by sec. 503 of the Foreign Relations Authorization Act of 1972, was amended and restated by sec. 3 of the International Security Assistance Act of 1977 (Public Law 95–92, 91 Stat. 614). It formerly read as follows:

"SEC. 482. AUTHORIZATION.—To carry out the purposes of section 481, there are authorized to be appropriated to the President $42,500,000 for each of the fiscal years 1974 and 1975, $40,000,000 for the fiscal year 1976, no part of which may be obligated for or on behalf of any country where illegal traffic in opiates has been a significant problem unless and until the President determines and certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that assistance furnished to such country pursuant to the authority in this chapter is significantly reducing the amount of illegal opiates entering the international market, and not to exceed $34,000,000 for the fiscal year 1977. Amounts appropriated under this section are authorized to remain available until expended."

[363] Subsection designation "(a)" and the text of subsec. (b) were added by sec. 5(b) of the International Security Assistance Act of 1978 (Public Law 95-384, 92 Stat. 731). Subsec. (a) was further amended and restated by sec. 3 of the International Security Assistance Act of 1979 (Public Law 96-92, 93 Stat. 701); and further amended by Sec. 402(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533, 94 Stat. 3149). The 1980 amendment, in addition to other changes in subsection (a), struck out a paragraph which had earmarked $16 million for Colombia during fiscal year 1980 for a variety of items used in the interdiction of drug traffic.

Subsec. (a) was further amended and restated when sec. 502(c) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113, 95 Stat. 1539) substituted the authorization levels for fiscal years 1982 and 1983 in lieu of the figure for fiscal year 1981 and deleted a paragraph limiting the fiscal year 1981 U.S. contribution to the U.N. Fund for Drug Abuse Control to $3,000,000 or 50 percent of total contributions, whichever is less.

Subsec. (a) was further amended when sec. 4201 of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4267) set the fiscal year 1989 authorization level and struck out the following:

"In addition to the amounts authorized by the preceding sentence, there are authorized to be appropriated to the President $45,000,000 for the fiscal year to 1987 to carry out the purposes of section 481, except that funds may be appropriated pursuant to this additional authorization only if the President has submitted to the Congress a detailed plan for the expenditure of those funds, including a description of how regional cooperation on narcotics control matters would be promoted by the use of those funds. Of the funds authorized to be appropriated by the preceding sentence, not less that $10,000,000 shall be available only to provide helicopters or other aircraft to countries receiving assistance for fiscal year 1987 under this chapter. These funds shall be used primarily for aircraft which will be based in Latin America for use for narcotics control eradication and interdiction efforts throughout the region. These aircraft shall be used solely for narcotics control, eradication, and interdiction efforts."

Para. (3) subsec. (a), added by sec. 614 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 231), was struck out by the International Narcotics Control Act of 1988. It previously read as follows:

"(3) Funds authorized to be appropriated by this section for fiscal year 1986 and for fiscal year 1987 may be used for a contribution to the United Nations Fund for Drug Abuse Control only if that organization includes in its crop substitution projects a plan for cooperation with the law enforcement forces of the host country."

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

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[384] Sec. 4201 of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4267) added the authorization for fiscal year 1989. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461, 102 Stat. 2268) also appropriated the following for "International Narcotics Control":

"For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $101,000,000: *Provided,* That not less than [$15,000,000 of the funds appropriated under this heading shall be available for narcotics interdiction and control programs for Bolivia: *Provided further,* That in addition to amounts made available pursuant to the previous proviso, not less than–Public Law 100-690 repealed this proviso] $7,000,000 of the funds appropriated under this heading shall be available for Latin America regional programs: *Provided further,* That in carrying out the provisions of section 481, increased emphasis should be placed on (1) further intensifying United States efforts in the eradication and interdiction of illicit narcotics, and (2) seeking international cooperation on narcotics enforcement matters such as in the areas of extradition treaties, mutual legal assistance to combat money laundering, sharing of evidence, and other initiatives for cooperative narcotics enforcement efforts."

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"NARCOTICS CONTROL PROGRAM

"SEC. 578. (a)(1) Of the funds appropriated by this Act under the heading 'Economic Support Fund' $61,000,000 shall be made available only for Bolivia, Ecuador, Jamaica, and Peru; but not more than $25,000,000 shall be available to any one country.

"(2) Of the funds appropriated by this Act to carry out the provisions of section 503 of the Foreign Assistance Act of 1961 (relating to the military assistance program) $16,500,000 shall be made available only for Bolivia, Ecuador, Jamaica, and Colombia, but not more than $5,000,000 shall be available for any one country.

"(3) Of the funds appropriated by this Act to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, $3,500,000 shall be made available in accordance with the general authorities contained in section 481(a) of the Foreign Assistance Act of 1961, only for the procurement of weapons or ammunition for foreign law enforcement agencies, and paramilitary units organized for the specific purposes of narcotics enforcement, for use in narcotics control, eradication, and interdiction efforts, notwithstanding section 482(b) of such Act: *Provided,* That funds made available under this paragraph shall be made available only for Bolivia, Peru, Colombia, Ecuador, and for the regional air wing pursuant to sections 482 and 484 of the Foreign Assistance Act of 1961, and shall be in addition to amounts earmarked for the countries contained in paragraph (2) of this subsection.

"(4) Funds made available under this subsection shall be available for obligation consistent with the provisions of section 481(h) of the Foreign Assistance Act of 1961 (relating to International Narcotics Control) except as provided in paragraph (3) of this subsection.

"(b) None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1988, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures (including satisfying the goals agreed to in applicable bilateral narcotics agreements as defined in section 481(h)(2)(A)(ii) of the Foreign Assistance Act of 1961) to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

"(c) In making determinations with respect to Bolivia, Colombia, Ecuador, and Peru pursuant to section 481(h)(2)(A)(i)(I) of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of each country is sufficiently responsive to United States Government concerns on coca control and whether the provision of assistance for that country is in the national interest of the United States.

"(d) If any funds appropriated by this Act for 'Economic Support Fund', 'Military Assistance', 'International Military Education and Training', or 'Foreign Military Credit Sales' are not used for assistance for the country for which those funds were allocated because that country has not taken adequate steps to halt illicit drug production or trafficking, those funds shall be reprogrammed for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking: *Provided,* That any such reprogramming shall be subject to the notification procedures of the Committees on Appropriations.

"(e)(1) Of the funds appropriated under title II of this Act for the Agency for International Development, up to $10,000,000 should be made available for narcotics education and awareness programs (including public diplomacy programs), of the Agency for International Development, and up to $15,000,000 of the funds appropriated under title II of this Act should be made available for narcotics related economic assistance activities.

"(2) * * *

Continued

(b) [363] Funds authorized to be appropriated by this section shall not be made available for the procurement of weapons or ammunition under this chapter.

(c) [365] Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and section 105 of the Agricultural Trade Development and Assistance Act of 1954, up to the equivalent of $10,000,000 in currencies or credits of the Government of Pakistan held by the United States shall, to such extent as may be provided in an appropriation Act, be available to the President for the fiscal year 1981 (and shall remain available until expended) to carry out the purposes of section 481 through assistance to the Government of Pakistan. Notwithstanding any other provision of law, the availability or expenditure of such foreign currencies shall not affect or reduce appropriations otherwise available to carry out the administration of the international narcotics control program.

(d) [366] Assistance may be provided under this chapter to a foreign country only if the country provides assurances to the President, and the President is satisfied, that the country will provide at least 25 percent of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. The costs borne by the country may include "in-kind" contributions.

Sec. 483.[367] **Prohibition on Use of Foreign Assistance for Reimbursements for Drug Crop Eradications.**—Funds made available to carry out this Act may not be used to reimburse persons whose illicit drug crops are eradicated.

Sec. 484. [368] **Retention of Title to Aircraft.**—Any aircraft which, at any time after the enactment of this section, are made available to a foreign country under this chapter, or are made available to a foreign country primarily for narcotics-related purposes under any other provision of law, shall be provided only on a lease or loan basis.

Sec. 485.[368] **Records of Aircraft Use.**—(a) REQUIREMENT TO MAINTAIN RECORDS.—The Secretary of State shall maintain detailed records on the use of any aircraft made available to a foreign country under this chapter, including aircraft made available before the enactment of this section.

"(f) In order to maximize the participation of other countries in the effort to promote international narcotics control, the Secretary of State is directed to urge the United Nations Fund for Drug Abuse Control to develop a more comprehensive program for enlisting greater multilateral support for coca control programs and related development activities in South America."

Authorizations under sec. 482 during recent years included the following: fiscal year 1975—$42,500,000; fiscal year 1976—$40,000,000; fiscal year 1977—$34,000,000; fiscal year 1978—$39,000,000; fiscal year 1979—$40,000,000; fiscal year 1980—$51,758,000; fiscal year 1981—$38,573,000; fiscal year 1982—$37,700,000; fiscal year 1983—$37,700,000; fiscal year 1984—$47,000,000; fiscal year 1985—no authorization. Sec. 602 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 228), added the authorizations for fiscal years 1986 ($57,529,000) and 1987 ($75,445,000). The authorization amount for 1987 was subsequently amended by sec. 401 of Public Law 99-529 and by sec. 2002(1) of Public Law 99-570 (100 Stat. 3207-60).

[365] Subsec. (c) was added by sec. 402(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533, 94 Stat. 3149).

[366] Subsec. (d) was added by sec. 608 of Public Law 99-83, 99 Stat. 229.

[367] Sec. 483 was added by sec. 609 of Public Law 99-83, 99 Stat. 230.

[368] Secs. 484 and 485 were added by sec. 2003 of Public Law 99-570, 100 Stat. 3207-61.

(b) Congressional Access to Records.—The Secretary of State shall make the records maintained pursuant to subsection (a) available to the Congress upon a request of the Chairman of the Committee on Foreign Affairs of the House of Representatives or the Chairman of the Committee on Foreign Relations of the Senate .

Sec. 486.[369] Reallocation of Funds Withheld from Countries Which Fail to Take Adequate Steps to Halt Illicit Drug Production or Trafficking.

(a) Additional Assistance for Countries Taking Significant Steps.—If any funds authorized to be appropriated for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of the requirements of section 481(h) or any other provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

(1) International narcotics control assistance.—Those funds may be transferred to and consolidated with the funds appropriated to carry out this chapter in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funding for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610(a). This paragraph does not apply with respect to funds made available for assistance under the Arms Export Control Act.

(2) Security assistance.—Any such funds not used under paragraph (1) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures under section 634A) in order to provide additional security assistance for those countries.

(b) Definition of Security Assistance.—As used in this section, the term "security assistance" means assistance under chapter 2 of part II of this Act (relating to the grant military assistance program), chapter 4 of part II of this Act (relating to the Economic Support Fund), chapter 5 of part II of this Act (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales financing).

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[369] 22 U.S.C. 2291e. Sec. 486 was added by sec. 4206(a) of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4270). Sec. 4206(b) of the same act stipulated the following: "(1) The amendment made by subsection (a) of this section supersedes section 578(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461).

"(2) Funds may be transferred pursuant to paragraph (1) of section 486(a) of the Foreign Assistance Act of 1961 (as enacted by this section) notwithstanding section 514 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (as amended by section 589 of that Act), relating to transfers between accounts."

Sec. 487. [370] **Prohibition on Assistance to Drug Traffickers.**

(a) PROHIBITION.—The President shall take all reasonable steps to ensure that assistance under this Act and the Arms Export Control Act is not provided to or through any individual or entity that the President knows or has reason to believe—

(1) has been convicted of a violation of, or a conspiracy to violate, any law or regulation of the United States, a State or the District of Columbia, or a foreign country relating narcotic or psychotropic drugs or other controlled substances (as defined in section 481(i)(3) of this Act); or

(2) is or has been an illicit trafficker in any such controlled substance or is or has been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such substance.

(b) REGULATIONS.—The President shall issue regulations specifying the steps to be taken in carrying out this section.

(c) CONGRESSIONAL REVIEW OF REGULATIONS.—Regulations issued pursuant to subsection (b) shall be submitted to the Congress before they take effect.

Sec. 488. [371] **Prohibition on Use of Narcotics Control Assistance to Acquire Real Property.**

Funds made available to carry out this chapter may not be used to acquire (by purchase, lease, or other means) any real property for use by foreign military, paramilitary, or law enforcement forces.

Sec. 489. [372] **Permissible Uses of Aircraft and Other Equipment.**

(a) IN GENERAL.—The President shall take all reasonable steps to ensure that aircraft and other equipment made available to foreign countries under this chapter are used only in ways that are consistent with the purposes for which such equipment was made available.

(b) REPORTS.—In the reports submitted pursuant to subsection (e), the President shall discuss—

(1) any evidence indicating misuse by a foreign country of aircraft or other equipment made available under this chapter, and

(2) the actions taken by the United States Government to prevent future misuse of such equipment by that foreign country.

(c) REGULATIONS.—The President shall issue regulations specifying the steps to be taken in carrying out this section.

(d) CONGRESSIONAL REVIEW OF REGULATIONS.—Regulations issued pursuant to subsection (c) shall be submitted to the Congress before they take effect.

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[370] 22 U.S.C. 2291f. Sec. 487 was added by sec. 4503 of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4285).

[371] 22 U.S.C. 2291g. Sec. 488 was added by sec. 4505 of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4285).

[372] 22 U.S.C. 2291h. Sec. 489 was added by sec. 4507 of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4286).

3. Trade Act of 1974 (Public Law 93-618, January 3, 1975), Title VIII--Tariff Treatment of Products of, and Other Sanctions Against, Uncooperative Major Drug Producing or Drug-Transit Countries, added by Section 9001 of the Anti-Drug Abuse Act of 1986 (Public Law 99-570, October 27, 1986), as amended.

TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES [213]

SEC. 801.[214] SHORT TITLE.

This title may be cited as the "Narcotics Control Trade Act".

SEC. 802.[215] TARIFF TREATMENT OF PRODUCTS OF UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES.

(a) [216] Required Action by President.—Subject to subsection (b), for every major drug producing country and every major drug-transit country, the President shall, on or after March 1, 1987, and March 1 of each succeeding year, to the extent considered necessary by the President to achieve the purpose of this title—

(1) deny to any or all of the products of that country tariff treatment under the Generalized System of Preferences, the Caribbean Basin Economic Recovery Act, or any other law providing preferential tariff treatment;

(2) apply to any or all of the dutiable products of that country an additional duty at a rate not to exceed 50 percent ad valorem or the specific rate equivalent;

(3) apply to one or more duty-free products of that country a duty at a rate not to exceed 50 percent ad valorem;

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[212] 19 U.S.C. 2487.

[213] Title VIII was added by sec. 9001 of the Anti-Drug Abuse Act of 1986, (Public Law 99-570; 100 Stat. 3207-164). The heading of title VIII was subsequently amended by sec. 806 of Public Law 100-204 (101 Stat. 1331 at 1399) which added the words "AND OTHER SANCTIONS AGAINST".

[214] 19 U.S.C. 2491.

[215] 19 U.S.C. 2492.

[216] Sec. 806 of Public Law 100-204 (101 Stat. 1398) amended subsec. (a) by striking out "or" at the end of par. (3); by redesignating par. (4) as par. (6); by amending par. (6), as so redesignated, to read "in paragraphs (1) through (5)." in lieu of "in paragraphs (1), (2), and (3)."; and by inserting after par. (3) the new pars. (4) and (5).

(4)[216] take the steps described in subsection (d)(1) or (d)(2), or both, to curtail air transportation between the United States and that country;

(5)[216] withdraw the personnel and resources of the United States from participation in any arrangement with that country for the pre-clearance of customs by visitors between the United States and that country; or";

(6) take any combination of the actions described in paragraphs (1) through (5).

(b)(1)[217] (A) Subject to paragraph (3), subsection (a) shall not apply with respect to a country if the President determines and certifies to the Congress, at the time of the submission of the report required by section 481(e) of the Foreign Assistance Act of 1961, that—

(i) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own—

(I) in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in paragraph (B)) or a multilateral agreement which achieves the objectives of paragraph (B),

(II) in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States,

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[217] Pars. (1) and (2) were extensively amended by sec. 4408 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4181). Pars. (1) and (2), as previously amended by sec. 806 of Public Law 100-204 (101 Stat. 1398), read as follows:

"(b) CERTIFICATIONS; CONGRESSIONAL ACTION.—(1) Subsection (a) shall not apply with respect to a country if the President determines and so certifies to the Congress, at the time of the submission of the report required by section 481(e) of the Foreign Assistance Act of 1961, that during the previous year that country has cooperated fully with the United States, or has taken adequate steps on its own, in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States and in preventing and punishing corruption by government officials and the laundering in that country of drug-related profits or drug-related monies.

"(2) In making the certification required by paragraph (1), the President shall give foremost consideration to whether the actions of the government of the country have resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to section 481(e)(4) of the Foreign Assistance Act of 1961. The President shall also consider whether such government—

"(A) has taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States;

"(B) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related monies, as evidence by—

"(i) the enactment and enforcement of laws prohibiting such conduct,

"(ii) the willingness of such government to enter into mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

"(iii) the degree to which such government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts; and

"(C) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, corruption by government officials, with particular emphasis on the elimination of bribery;".

(III) in preventing and punishing the laundering in that country of drug-related profits or drug-related moneys, and

(IV) in preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts; or

(ii) for a country that would not otherwise qualify for certification under clause (i), the vital national interests of the United States require that subsection (a) not be applied with respect to that country.

(B) A bilateral narcotics agreement referred to in subparagraph (A)(i)(I) is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

(i) reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution;

(ii) increase drug interdiction and enforcement;

(iii) increase drug treatment;

(iv) increase the identification of and elimination of illicit drug laboratories;

(v) increase the identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs;

(vi) increase cooperation with United States drug enforcement officials; and

(vii) where applicable, increase participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.

(C) A country which in the previous year was designated as a major drug producing country or a major drug-transit country may not be determined to be cooperating fully under subparagraph (A)(i) unless it has in place a bilateral narcotics agreement with the United States or a multilateral agreement which achieves the objectives of subparagraph (B).

(D) If the President makes a certification with respect to a country pursuant to subparagraph (A)(ii), he shall include in such certification—

(i) a full and complete description of the vital national interests placed at risk if action is taken pursuant to subsection (a) with respect to that country; and

(ii) a statement weighing the risk described in clause (i) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

(E) The President may make a certification under subparagraph (A)(i) with respect to a major drug producing country or drug-transit country which is also a producer of licit opium only if the President determines that such country has taken steps to prevent significant diversion of its licit cultivation and production into the illicit market, maintains production and stockpiles at levels no higher than those consistent with licit market demand, and prevents illicit cultivation and production.

(2) In determining whether to make the certification required by paragraph (1) with respect to a country, the President shall consider the following:

(A) Have the actions of the government of that country resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to section 481(e)(4) of the Foreign Assistance Act of 1961? In the case of a major drug producing country, the President shall give foremost consideration, in determining whether to make the certification required by paragraph (1), to whether the government of that country has taken actions which have resulted in such reductions.

(B) Has that government taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacturing of and trafficking in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States?

(C) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related moneys, as evidenced by—

(i) the enactment and enforcement by that government of laws prohibiting such conduct,

(ii) that government entering into, and cooperating under the terms of, mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

(iii) the degree to which that government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts?

(D) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts, as evidenced by the enactment and enforcement of laws prohibiting such conduct?

(E) Has that government, as a matter of government policy, encouraged or facilitated the production or distribution of illicit narcotic and psychotropic drugs and other controlled substances?

(F) Does any senior official of that government engage in, encourage, or facilitate the production or distribution of illicit narcotic and psychotropic drugs and other controlled substances?

(G) Has that government investigated aggressively all cases in which any member of an agency of the United States Government engaged in drug enforcement activities since January 1, 1985, has been the victim of acts or threats of violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof, and has energetically sought to bring the perpetrators of such offense or offenses to justice?

(H) Having been requested to do so by the United States Government, does that government fail to provide reasonable cooperation to lawful activities of United States drug enforcement agents, including the refusal of permission to such agents engaged in interdiction of aerial smuggling into the United States to pursue suspected aerial smugglers a reasonable distance into the airspace of the requested country?

(I) Has that government made necessary changes in legal codes in order to enable law enforcement officials to move more effectively against narcotics traffickers, such as new conspiracy laws and new asset seizure laws?

(J) Has that government expeditiously processed United States extradition requests relating to narcotics trafficking?

(K) Has that government refused to protect or give haven to any known drug traffickers, and has it expeditiously processed extradition requests relating to narcotics trafficking made by other countries?

(3) Subsection (a) shall apply to a country without regard to paragraph (1) of this subsection if the Congress enacts, within 45 [218] days of continuous session after receipt of a certification under paragraph (1), a joint resolution disapproving the determination of the President contained in that certification.

(4) If the President takes action under subsection (a), that action shall remain in effect until—

(A) the President makes the certification under paragraph (1), a period of 45 [218] days of continuous session of Congress elapses, and during that period the Congress does not enact a joint resolution of disapproval; or

(B) the President submits at any other time a certification of the matters described in paragraph (1) with respect to that country, a period of 45 [218] days of continuous session of Congress elapses, and during that period the Congress does not enact a joint resolution of disapproving the determination contained in that certification.

(5) For the purpose of expediting the consideration and enactment of joint resolutions under paragraphs (3) and (4)—

(A) a motion to proceed to the consideration of any such joint resolution after it has been reported by the Committee on Ways and Means shall be treated as highly privileged in the House of Representatives; and

(B) a motion to proceed to the consideration of any such joint resolution after it has been reported by the Committee on Finance shall be treated as privileged in the Senate.

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[218] Sec. 4408(b) of Public Law 100-690 (102 Stat. 4181) substituted "45" days in lieu of "30" days.

(c) DURATION OF ACTION.—The action taken by the President under paragraph (1), (2), or (3) of [219] subsection (a) shall apply to the products of a foreign country that are entered, or withdrawn from warehouse for consumption, during the period that such action is in effect.

(d) [220] PRESIDENTIAL ACTION REGARDING AVIATION.—

(1)(A) The President is authorized to notify the government of a country against which is imposed the sanction described in subsection (a)(4) of his intention to suspend the authority of foreign air carriers owned or controlled by the government or nationals of that country to engage in foreign air transportation to or from the United States.

(B) Within 10 days after the date of notification of a government under subparagraph (A), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by the government or nationals of that country to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

(C) The President may also direct the Secretary of Transportation to take such steps as may be necessary to suspend the authority of any air carrier to engage in foreign air transportation between the United States and that country.

(2)(A) The President may direct the Secretary of State to terminate any air service agreement between the United States and a country against which the sanction described in subsection (a)(4) is imposed in accordance with the provisions of that agreement.

(B) Upon termination of an agreement under this paragraph, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government or nationals of that country to engage in foreign air transportation to or from the United States.

(C) Upon termination of an agreement under this paragraph, the Secretary of Transportation may also revoke the authority of any air carrier to engage in foreign air transportation between the United States and that country.

(3) The Secretary of Transportation may provide for such exceptions from paragraphs (1) and (2) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(4) For purposes of this subsection, the terms "air transportation", "air carrier", "foreign air carrier" and "foreign air transportation" have the meanings such terms have under section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).

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[219] The words "paragraph (1), (2), or (3) of" were added by sec. 806 of Public Law 100-204 (101 Stat. 1398).

[220] Subsec. (d) was added by sec. 806 of Public Law 100-204 (101 Stat. 1398).

(e) [221] For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under section 805(3)(A) and (B).

SEC. 803.[222] SUGAR QUOTA.

Notwithstanding any other provisions of law, the President may not allocate any limitation imposed on the quantity of sugar to any country which has a Government involved in the trade of illicit narcotics or is failing to cooperate with the United States in narcotics enforcement activities as defined in section 802(b) as determined by the President.

SEC. 804.[223] PROGRESS REPORTS.

The President shall include as a part of the annual report required under section 481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1) an evaluation of progress that each major drug producing country and each major drug-transit country has made during the reporting period in achieving the objectives set forth in section 802(b).

SEC. 805.[224] DEFINITIONS.

For purposes of this title—

(1) continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated;

(2) the term "major drug producing country" means a country producing five metric tons or more of opium or opium derivative during a fiscal year or producing five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year; and

(3) the term "major drug-transit country" means a country—

(A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States;

(B) through which are transported such drugs or substances; or

(C) through which significant sums of drug-related profits or monies are laundered with the knowledge or complicity of the government; and

(4) the term "narcotic and psychotropic drugs and other controlled substances" has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country or countries concerned.

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[221] Subsec. (e) was added by sec. 4408(c) of Public Law 100–690 (102 Stat. 4181).

[222] 19 U.S.C. 2493.

[223] 19 U.S.C. 2494.

[224] 19 U.S.C. 2495.

4. Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93, August 16, 1985), as amended by the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399, August 27, 1986), Sec. 133 & Sec. 814

SEC. 133.[11] EXTRADITION TREATIES.

The Secretary of State, with the assistance of the National Drug Enforcement Policy Board, shall increase United States efforts to negotiate updated extradition treaties relating to narcotics offenses with each major drug-producing country, particularly those in Latin America.

SEC. 814. UNITED STATES INTERNATIONAL NARCOTICS CONTROL COMMISSION.[52]

(a) ESTABLISHMENT.—There is established the United States International Narcotics Control Commission (hereafter in this section referred to as the "Commission").

(b) DUTIES.—The Commission is authorized and directed—

(1) to monitor and promote international compliance with narcotics control treaties, including eradication and other relevant issues; and

(2) to monitor and encourage United States Government and private programs seeking to expand international cooperation against drug abuse and narcotics trafficking.

(c) MEMBERSHIP.—(1) The Commission shall be composed of 12 members as follows:

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[201] 19 U.S.C. 2484.

[11] 18 U.S.C. 3181 note.

[52] 22 U.S.C. 2291 note.

(A) 7 Members of the Senate appointed by the President of the Senate, 4 of whom (including the member designated as Chairman) shall be selected from the majority party of the Senate, after consultation with the majority leader, and 3 of whom (including the member designated as Cochairman) shall be selected from the minority party of the Senate, after consultation with the minority leader.

(B) 5 members of the public to be appointed by the President after consultation with the members of the appropriate congressional committees.

(2) There shall be a Chairman and a Cochairman of the Commission.

(d) POWERS.—In carrying out this section, the Commission may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpoenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

(e) REPORT BY PRESIDENT TO COMMISSION.—In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a copy of the report required by section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2991(e)).

(f) REPORT TO SENATE.—The Commission is authorized and directed to report to the Senate with respect to the matters covered by this section on a periodic basis and to provide information to Members of the Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to the Congress a report on its expenditures under such appropriation.

(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Commission $325,000 for each fiscal year, to remain available until expended, to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this section.

(2) For purposes of section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), the Commission shall be deemed to be a standing committee of the Senate and shall be entitled to the use of funds in accordance with such section.

(h) STAFF.—The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.[53]

(i) TERMINATION.—The Commission shall cease to exist on September 30, 1988.[54]

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[53] 5 U.S.C. 5101 et seq., 5331.

[54] The year 1988 was substituted in lieu of 1987 by sec. 5 of title I of the Legislative Branch Appropriations Act, 1988 (sec. 101(i) of the Continuing Appropriations for 1988, Public Law 100–202, 101 Stat. 1329).

5. International Security and Development Cooperation Act of 1985 (Public Law 99-83, August 8, 1985) Sec. 607 Sec. 610 Sec. 611 Sec. 612 Sec. 613 Sec. 615 Sec. 616 Sec. 617 Sec. 619

TITLE VI—INTERNATIONAL NARCOTICS CONTROL

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SEC. 607. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.

Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), $1,000,000 for each of the fiscal years 1986 and 1987 shall be made available to arm, for defensive purposes, aircraft used in narcotic control eradication or interdiction efforts. The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

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SEC. 610.[19] ASSISTANCE FOR JAMAICA.

In allocating assistance for Jamaica for fiscal year 1986 under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), the President shall give major consideration to whether the Government of Jamaica has prepared, presented, and committed itself to a comprehensive plan or strategy for the control and reduction of illicit cultivation, production, processing, transportation, and distribution of marijuana within a specifically stated period of time.

SEC. 611.[20] ASSISTANCE FOR BOLIVIA.

Assistance may be provided to Bolivia for fiscal years 1986 and 1987 under chapter 2 (relating to grant military assistance), chap-

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[19] Title V sec. 537 of the Foreign Assistance Appropriations Act, 1986 as contained in sec. 101(j) of Public Law 99-190, 99 Stat. 1308, provides in part:

SEC. 537. Of the funds made available by this Act for Jamaica and Peru, not more than 50 per centum of the funds made available for each country shall be obligated unless the President determines and reports to the Congress that the governments of these countries are sufficiently responsive to the United States Government concerns on drug control and that the added expenditures of the funds for that country are in the national interest of the United States: *Provided*, That this provision shall not be applicable to funds made available to carry out section 481 of the Foreign Assistance Act of 1961.

The 1987 version of the Act, Public Law 99-591, 100 Stat. 3341 contained identical text in sec. 536.

[20] Title V sec. 537 of the Foreign Assistance Appropriations Act, 1986 as contained in sec. 101(j) of Public Law 99-190, 99 Stat. 1308, provides in part:

"That assistance may be provided to Bolivia for Fiscal Year 1986, under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only under the following conditions:

"For Fiscal Year 1986—

"(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation that will establish its legal coca requirements, provide for

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ter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only under the following conditions:

(1) For fiscal year 1986—

(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation that will establish its legal coca requirements, provide for the licensing of the number of hectares necessary to produce the legal requirement, and make unlicensed coca production illegal; and

(B) the remaining amount of such assistance may be provided at any time following a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia has achieved the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States.

(2) For fiscal year 1987, such assistance may not be provided unless the President certifies to the Congress that the Government of Bolivia has developed a plan to eliminate illicit narcotics production countrywide and is prepared to enter into an agreement with the United States to implement that plan. If that certification is made, then—

(A) [20a] up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifices to the Congress that Bolivia has engaged in narcotics interdiction operations which have significantly disrupted the illicit coca industry in Bolivia or has cooperated with the United States in such operations; and

(B) [20a] the remaining amount of such assistance may be provided at any time after the President certifies to the Congress that Bolivia has either met in calendar year 1986

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the licensing of the number of hectares necessary to produce the legal requirement, and make unlicensed coca production illegal; and

"(B) the remaining amount of such assistance may be provided at any time following a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia achieved the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States."

Title V, sec. 535 of the 1987 Act, Public Law 99-591, 100 Stat. 3341 provides:

* * * *Provided further*, That assistance may be provided to Bolivia for fiscal year 1987, under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only in accordance with the provisions of section 611 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) as amended by section 2011 of H.R. 5484 as passed by the Senate on September 30, 1986.

[20a] Sec. 2012(b) of Public Law 99-570; 100 Stat. 3207 amended subparagraphs (A) and (B) of paragraph (2) which previously read as follows:

"(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has achieve at least half of the eradication target for the calendar year 1986 agreed to by the United States and the Government of Bolivia; and

"(B) the remaining amount of such assistance may be provided at any time the President certifies to the Congress that the Government of Bolivia fully achieved that eradication target."

the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States or has entered into an agreement of cooperation with the United States for implementing that plan for 1987 and beyond (including numerical eradication targets) and is making substantial progress toward the plan's objectives, including substantial eradication of illicit coca crops and effective use of United States assistance.

In the certification required by subparagraph (B), the President shall explain why the terms of the 1983 agreement provided unattainable and the reasons why a new agreement was necessary.

SEC. 612.[19] ASSISTANCE TO PERU.

(a) CONDITIONS ON ASSISTANCE.—United States assistance (as defined by section 481(i)(4) of the Foreign Assistance Act of 1961) may be provided for Peru—

(1) for fiscal year 1986, only if the President reports to the Congress that the Government of Peru has demonstrated substantial progress in developing a plan that will establish its legal coca requirements, license the number of hectares necessary to produce the legal requirement, and eliminate illicit and unlicensed coca production; and

(2) for fiscal year 1987, only if the President reports to the Congress that the Government of Peru has developed such a plan and is implementing it.

(b) UPPER HUALLAGA VALLEY PROJECT.—Funds authorized to be appropriated for fiscal year 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if the Administrator of that Agency, after consultation with the Congress, determines that a comprehensive review of that project has been completed which establishes the effectiveness of that project in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley. The assistance for Peru described in this subsection may be provided only if the report required by subsection (a)(2) has been submitted to the Congress.

SEC. 613. REALLOCATION OF FUNDS IF CONDITIONS NOT MET.

If any of the assistance described in section 611 is not provided for Bolivia because the conditions specified in that section are not met, or if any of the assistance described in section 612(a) is not provided for Peru because the conditions specified in that section are not met, the President shall reprogram such assistance in order to provide additional assistance to countries which have taken significant steps to halt illicit drug production or trafficking.

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SEC. 615. LATIN AMERICAN REGIONAL NARCOTICS CONTROL ORGANIZATION.

(a) FEASIBILITY STUDY.—The Secretary of State, with the assistance of the National Drug Enforcement Policy Board, shall conduct a study of the feasibility of establishing a regional organization in Latin America which would combat narcotics production and trafficking through regional information-sharing and a regional enforcement unit.

(b) REPORT.—No later than six months after the date of enactment of this Act, a report on the advisability of encouraging the establishment of such an organization shall be submitted to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

SEC. 616. GREATER EFFORT BY UNITED STATES ARMED FORCES TO SUPPORT NARCOTICS CONTROL EFFORTS ABROAD.

No later than 60 days after the date of enactment of this Act, the President shall report to the Congress on why the United States Armed Forces should not exert greater effort in facilitating and supporting interception of narcotics traffickers, and in gathering narcotics-related intelligence, outside the United States.

SEC. 617. CUBAN DRUG TRAFFICKING.

(a) FINDINGS.—The Congress finds that—

(1) the subject of the flow, use, and control of narcotic and psychotropic substances is a matter of great international importance;

(2) the problem of drug abuse and drug trafficking continues to worsen throughout most parts of the world;

(3) the concerns of the governments of many countries have become manifest in several bilateral and multilateral narcotics control projects;

(4) United Nations agencies monitor and apply controls on the flow and use of drugs and coordinate multilateral efforts to control production, trafficking, and abuse of drugs;

(5) the United Nations Fund for Drug Abuse Control funds narcotics projects throughout the world and has been a vehicle since 1971 for multilateral implementation of narcotics control and reduction programs;

(6) the International Narcotics Control Board is charged with monitoring compliance with the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, and Cuba is a party to both Conventions;

(7) the United Nations Commission on Narcotic Drugs is responsible for formulating policies, coordinating activities, supervising the implementation of international conventions, and making recommendations to governments for international drug control;

(8) the promotion of drug abuse and participation in drug trafficking is universally considered egregious criminal behavior wherever it occurs, whether it occurs locally, nationally, or internationally;

(9) a Federal grand jury of the United States has indicted four prominent Cuban officials on charges of conspiring to smuggle drugs into the United States;

(10) United States Government officials have testified at several congressional hearings that the Government of Cuba is facilitating the flow of illicit drugs into the United States in order to obtain hard currency, support guerrilla/terrorist activities, and undermine United States society; and

(11) such alleged conduct on the part of the Government of Cuba would be injurious to the world community and counter to the general principle of international law that no country has the right to use or permit the use of its territory in such a manner as to injure another country or persons therein.

(b) Recommended Actions.—It is the sense of the Congress that the President should—

(1) acting through the Permanent Representative of the United States to the United Nations, take such steps as may be necessary to place the question of the involvement by the Government of Cuba in illicit drug trafficking on the agenda of the United Nations;

(2) acting through the Representative of the United States to the Organization of American States, request the Organization of American States to consider this question as soon as possible; and

(3) request other appropriate international organizations and international forums to consider this question.

(c) Report.—The President shall report to the Congress on the actions taken pursuant to this section.

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SEC. 619.[21] DRUG TRAFFICKING AND THE PROBLEM OF TOTAL CONFIDENTIALITY OF CERTAIN FOREIGN BANK ACCOUNTS.

(a) Findings.—The Congress finds that—

(1) several banks in Latin America and the Caribbean are used by narcotics traffickers as depositories for money obtained in providing illicit drugs to the United States and other countries of the region;

(2) offshore banks which provide total confidentiality provide a service which materially assists the operations of illicit drug traffickers; and

(3) cooperation in gaining access to the bank accounts of such narcotics traffickers would materially assist United States authorities in controlling the activities of such traffickers.

(b) Policy.—The Congress—

(1) requests the President to negotiate treaties or appropriate international agreements with all countries providing confidential banking services (giving high priority to countries in the Caribbean region) to provide disclosure to the United States Govenment of information contained in official records, and in records of bank accounts, concerning persons under investigation for violations of United States law, in particular those regarding international drug trafficking;

(2) directs the President to include reports on the results of such efforts in the annual International Narcotics Control Strategy Report; and

(3) reaffirms its intention to obtain maximum cooperation on the part of all governments for the purpose of halting international drug trafficking, and constantly to evaluate the cooperation of those governments receiving assistance from the United States.

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[21] 22 U.S.C. 2291 note.

6. International Narcotics Control Act of 1986, in Anti-Drug Abuse Act of 1986 (Public Law 99-570, October 27, 1986) Title II

Title II of Public Law 99-570 [Anti-Drug Abuse Act of 1986, H.R. 5484], 100 Stat. 3207, approved October 27, 1986.

AN ACT To strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Anti-Drug Abuse Act of 1986".

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TITLE II—INTERNATIONAL NARCOTICS CONTROL

SECTION 2001. SHORT TITLE.

This title may be cited as the "International Narcotics Control Act of 1986".

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SEC. 2004. PILOTS AND AIRCRAFT MAINTENANCE TRAINING FOR NARCOTICS CONTROL ACTIVITIES.

(a) EARMARKING OF FUNDS.—Not less than $2,000,000 of the funds made available for fiscal year 1987 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) shall be available only for education and training in the operation and maintenance of aircraft used in narcotics control interdiction and eradication efforts.

(b) RELATIONSHIP TO INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of that Act (22 U.S.C. 2291) et seq.; relating to international narcotics control).

(c) WAIVER OF SECTION 660.—Assistance may be provided pursuant to this section notwithstanding the prohibition contained in section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420; relating to police training).

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SEC. 2006. DEVELOPMENT OF HERBICIDES FOR AERIAL COCA ERADICATION.

The Secretary of State shall use not less than $1,000,000 of the funds made available for fiscal year 1987 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to international narcotics control) to finance research on and the development and testing of safe and effective herbicides for use in the aerial eradication of coca.

SEC. 2007. REVIEW OF EFFECTIVENESS OF INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.

(a) Requirement for Investigation.—The Comptroller General shall conduct a thorough and complete investigation to determine the effectiveness of the assistance provided pursuant to chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to international narcotics control).

(b) Reports to Congress.—

(1) Periodic reports.—The Comptroller General shall report to the Congress periodically as the various portions of the investigation conducted pursuant to subsection (a) are completed.

(2) Final report.—Not later than March 1, 1988, the Comptroller General shall submit a final report to the Congress on the results of the investigation. This report shall include such recommendations for administrative or legislative action as the Comptroller General finds appropriate based on the investigation.

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SEC. 2010. ISSUANCE OF DIPLOMATIC PASSPORTS FOR DRUG ENFORCEMENT ADMINISTRATION AGENTS ABROAD.

The Congress commends the decision of the Secretary of State to issue diplomatic passports, rather than official passports, to officials and employees of the Drug Enforcement Administration who are assigned abroad. The Secretary shall report to the Congress before making any change in this policy.

SEC. 2011. INFORMATION-SHARING SO THAT VISAS ARE DENIED TO DRUG TRAFFICKERS.

(a) Need for Comprehensive Information System.—The Congress is concerned that the executive branch has not established a comprehensive information system on all drug arrests of foreign nationals in the United States so that information may be communicated to the appropriate United States embassies, even though the establishment of such a system is required by section 132 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

(b) Establishment of System.—The executive branch shall act expeditiously to establish the comprehensive information system required by section 132 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and submit to the Congress a report that the system has been established.

SEC. 2012. CONDITIONS ON ASSISTANCE FOR BOLIVIA.

(a) Operation Blast Furnace.—(1) It is the sense of the Congress that—

(A) the Government of Bolivia's recent drug interdiction operation in cooperation with the United States (Operation Blast Furnace) evinced a determination to combat the growing power of the narcotics trade and narcotics traffickers;

(B) the operation has had a dramatic effect on the coca trade in that country by dropping the price of coca below the cost of production;

(C) as a result of this operation the coca trade has in the short term been sharply constricted:

(D) the restoration of non-coca dependent economic growth in Bolivia is crucial to the achievement of long-term progress in controlling illicit narcotics production; and

(E) control of illicit drug production is crucial to the survival of democratic institutions and democratic government in Bolivia.

(2) The Congress, therefore, applauds the demonstrated willingness of the Paz Estenssoro government, despite the risks of severe domestic criticism and disruptive economic consequences, to cooperate with the United States in Operation Blast Furnace.

(b) * * *

(c) * * *

SEC. 2013.[4] REPORTS AND RESTRICTIONS CONCERNING CERTAIN COUNTRIES.

(a)[5] REPORTS.—The President shall prepare and transmit to the Congress, at the same time as each report is submitted pursuant to section 481(b)(2) of the Foreign Assistance Act of 1961, a report—

(1) listing each major illicit drug producing country and each major drug- transit country—

(A) which, as a matter of government policy, encourages or facilitates the production or distribution of illegal drugs;

(B) in which any senior official of the government of such country engages in, encourages, or facilitates the production or distribution of illegal drugs;

(C) in which any member of an agency of the United States Government engaged in drug enforcement activities since January 1, 1985, has suffered or been threatened with violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof; or

(D) which, having been requested to do so by the United States Government, fails to provide reasonable cooperation to lawful activities of United States drug enforcement agents, including the refusal of permission to such agents engaged in interdiction of aerial smuggling into the United States to pursue suspected aerial smugglers a reasonable distance into the airspace of the requested country; and

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[4] 22 U.S.C. 2291-1. Responsibility for submitting the first and second reports and certifications required by this section were delegated to the Secretary of State by Presidential Memorandum of May 12, 1987, 52 F.R. 20053 and January 27, 1988, 53 F.R. 3571 respectively.

[5] Sec. 4404 of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4276) amended sec. 2013(a). It formerly read:

"(a) REPORTS.—Not later than 6 months after the date of enactment of this Act and every 6 months thereafter, the President shall prepare and transmit to the Congress a report—".

(2) describing for each country listed under paragraph (1) the activities and identities of officials whose activities caused such country to be so listed.

(b) RESTRICTIONS.—No United States assistance may be furnished to any country listed under subsection (a)(1), and the United States representative to any multilateral development bank shall vote to oppose any loan or other use of the funds of such bank for the benefit of any country listed under subsection (a)(1), unless the President certifies to the Congress that—

(1) overriding vital national interests require that provision of such assistance;

(2) such assistance would improve the prospects for cooperation with such country in halting the flow of illegal drugs; and

(3) the government of such country has made bona fide efforts to investigate and prosecute appropriate charges for any crime described in subsection (a)(1)(C) which may have been committed in such country.

(c) RELATION TO OTHER PROVISIONS.—The restrictions contained in subsection (b) are in addition to the restrictions contained in section 481(h) of the Foreign Assistance Act of 1961 or any other provision of law.

(d) DEFINITIONS.—For purposes of this section, the terms "major illicit drug producing country", "major drug-transit country", and "United States assistance" have the same meaning as is given to those terms by section 481(i) of the Foreign Assistance Act of 1961.

SEC. 2014. COMBATING NARCOTERRORISM.

(a) FINDING.—The Congress finds that the increased cooperation and collaboration between narcotics traffickers and terrorist groups constitutes a serious threat to United States national security interests and to the political stability of numerous other countries, particularly in Latin America.

(b) IMPROVED CAPABILITY FOR RESPONDING TO NARCOTERRORISM.—The President shall take concrete steps to improve the capability of the executive branch—

(1) to collect information concerning the links between narcotics traffickers and the acts of terrorism abroad, and

(2) to develop an effective and coordinated means for responding to the threat which those links pose.

Not later than 90 days after the date of enactment of this Act, the President shall report to the Congress on the steps taken pursuant to this subsection.

(c) ADMINISTRATION OF JUSTICE PROGRAM.—Of the amounts made available for fiscal year 1987 to carry out section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c; relating to the administration of justice program), funds may be used to provide to Colombia or other countries in the region such assistance as they may request for protection of judicial or other officials who are targets of narcoterrorist attacks.

(d) REWARD CONCERNING JORGE LUIS OCHOA VASQUEZ.—It is the sense of the Congress that the authority of section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)), as amended by section 502(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399; enacted August

27, 1986), should be used expeditiously to establish a reward of up to $500,000 for information leading to the arrest or conviction of Jorge Luis Ochoa Vasquez for narcotics-related offenses.

SEC. 2015.[6] INTERDICTION PROCEDURES FOR VESSELS OF FOREIGN REGISTRY.

(a) FINDINGS.—The Congress finds that—

(1) the interdiction by the United States Coast Guard of vessels suspected for carrying illicit narcotics can be a difficult procedure when the vessel is of foreign registry and is located beyond the customs waters of the United States;

(2) before boarding and inspecting such a vessel, the Coast Guard must obtain consent from either the master of the vessel or the country of registry; and

(3) this process, and obtaining the consent of the country of registry to further law enforcement action, may delay the interdiction of the vessel by 3 or 4 days.

(b) NEGOTIATIONS CONCERNING INTERDICTION PROCEDURES.—

(1) The Congress urges the Secretary of State, in consultation with the Secretary of the department in which the Coast Guard is operating, to increase efforts [7] to negotiate with relevant countries procedures which will facilitate interdiction of vessels suspected of carrying illicit narcotics.

(2) If a country refuses to negotiate with respect to interdiction procedures, the President shall take appropriate actions directed against that country, which may include the denial of access to United States ports to vessels registered in that country.

(3) The Secretary of State shall submit reports to the Congress semiannually identifying those countries which have failed to negotiate with respect to interdiction procedures.

SEC. 2016. ASSESSMENT OF NARCOTICS TRAFFICKING FROM AFRICA.

The President shall direct that an updated threat assessment of narcotics trafficking from Africa be prepared. If it is determined that an increased threat exists, the assessment shall examine the need for the United States to provide increased narcotics control training for African countries.

SEC. 2017. * * *

SEC. 2018.[8] MULTILATERAL DEVELOPMENT BANK ASSISTANCE FOR DRUG ERADICATION AND CROP SUBSTITUTION PROGRAMS.

(a) MDB ASSISTANCE FOR DEVELOPMENT AND IMPLEMENTATION OF DRUG ERADICATION PROGRAM.—The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to initate discussions with other Directors of their respective banks and to propose that all possible assistance be provided to each major illicit drug producing country for the development and implementation of a drug eradication program, including technical assistance, assistance in conducting feasibility studies and economic analyses, and assistance for alternate economic activities.

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[6] 46 U.S.C. app. 1902 note.

[7] Sec. 4802 of Public Law 100-690 struck out "effects" and inserted "efforts".

[8] 22 U.S.C. 2291 note.

(b) Increases in Multilateral Development Bank Lending for Crop Substitution Projects.—The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to initiate discussions with other Directors of their respective banks and to propose that each such bank increase the amount of lending by such bank for crop substitution programs which will provide an economic alternative for the cultivation or production of illicit narcotic drugs or other controlled substances in major illicit drug producing countries, to the extent such countries develop and maintain adequate drug eradication programs.

(c) National Advisory Council Report.—The Secretary of the Treasury shall include in the annual report to the Congress by the National Advisory Council on International Monetary and Financial Policies a detailed accounting of the manner in which and the extent to which the provisions of this section have been carried out.

(d) Definitions.—For purposes of this section—

(1) Multilateral development bank.—The term "multilateral development bank" means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the African Development Bank, and the Asian Development Bank.

(2) Major illicit drug producing country.—The term "major illicit drug producing country" has the meaning provided in section 481(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 229(i)(2)).

(3) Narcotic drug and controlled substance.—The terms "narcotic drug" and "controlled substance" have the meanings given to such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

SEC. 2019. DRUGS AS A NATIONAL SECURITY PROBLEM.

The Congress hereby declares that drugs are a national security problem and urgers the President to explore the possibility of engaging such essentially security-oriented organizations as the North Atlantic Treaty Organization in cooperative drug programs.

SEC. 2020. FINDINGS CONCERNING GREATER INTERNATIONAL EFFORT TO ADDRESS DRUG THREAT.

The Congress finds that—

(1) in response to the growing narcotics threat to the international community—

(A) the single Convention on Narcotic Drugs, 1961, the 1972 Protocol amending that Convention, and the Convention on Psychotropic Substances were adopted under United Nations auspices and

(B) the United Nations has created various entities to deal with drug abuse control and prevention; and

(2) a greater international effort to address this threat, such as additional or increased contributions by other countries to the United Nations Fund for Drug Abuse and Control and greater coordination of enforcement and eradication efforts.

SEC. 2021. INTERNATIONAL CONFERENCE ON DRUG ABUSE AND ILLICIT TRAFFICKING.

(a) CONGRESSIONAL SUPPORT.—The Congress hereby declares its support for United Nations General Assembly Resolution 40/122 adopted on December 13, 1985, in which the General Assembly decided to convene in 1987, an International Conference on Drug Abuse and Illicit Trafficking in order to generate universal action to combat the drug problem in all its forms at the national, regional, and international levels, and to adopt a comprehensive outline of future activities.

(b) UNITED STATES PARTICIPATION.—With respect to United States participation in the International Conference on Drug Abuse and Illicit Trafficking, the Congress calls on the President—

(1) to appoint the head of the United States delegation well in advance of the conference; and

(2) to ensure that necessary resources are available for United States preparation and participation.

(c) REPORT TO CONGRESS.—Not later than April 30, 1987, the President shall report to the Congress on the status of United States preparations for the International Conference on Drug Abuse and Illicit Trafficking, including the status of naming the delegation, the issues expected to arise, and United States policy initiatives to be taken at the conference.

SEC. 2022. EFFECTIVENESS OF INTERNATIONAL DRUG PREVENTION AND CONTROL SYSTEM.

(a) STUDY.—The United States seek to improve the program and budget effectiveness of United Nations entities related to narcotics prevention and control by studying the capability of existing United Nations drug-related declarations, conventions, and entities to heighten international awareness and promote the necessary strategies for international action, to strengthen international cooperation, and to make effective use of available United Nations funds.

(b) REPORT TO CONGRESS.—Not later than April 30, 1987, the President shall report to the Congress any recommendations that may result from this study.

SEC. 2023. NARCOTICS CONTROL CONVENTIONS.

The Congress—

(1) urges that the United Nations Commission on Narcotic Drugs complete work as quickly as possible, consistent with the objective of obtaining an effective agreement, on a new draft convention against illicit traffic in narcotic drugs and psychotropic substances, in accordance with the mandate given the Commission by United Nations General Assembly Resolution 39/141; and

(2) calls for more effective implementation of existing conventions relating to narcotics.

SEC. 2024. MEXICO-UNITED STATES INTERGOVERNMENTAL COMMISSION.

(A) NEGOTIATIONS TO ESTABLISH.—In accordance with the resolution adopted by the 26th Mexico-United States Interparliamentary Conference which recommended that the Government of Mexico and the Government of the United States establish a Mexico-United States Intergovernmental Commission on Narcotics and

Psychotropic Drug Abuse and Control, the President should direct the Secretary of State, in conjunction with the National Drug Enforcement Policy Board, to enter into negotiations with the Government of Mexico to create such a joint intergovernmental commission.

(b) MEMBERSHIP.—The commission which should meet semiannually, should include members of the Mexican Senate and Chamber of Deputies and the United States House of Representatives and Senate, together with members of the Executive departments of each Government responsible for drug abuse, education, prevention, treatment, and law enforcement.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Congress on the progress being made in establishing a commission in accordance with subsection (a).

SEC. 2025. OPIUM PRODUCTION IN PAKISTAN.

(a) FINDINGS.—The Congress finds that—

(1) the production of opium in Pakistan is expected to more than double in the 1985–1986 growing season, posing an increased threat to the health and welfare of the people of Pakistan and the people of the United States; and

(2) despite past achievements, the current eradication program in Pakistan, which employs manual eradication of opium poppies, has proven inadequate to meet this new challenge.

(b) NEED FOR MORE EFFECTIVE DRUG CONTROL PROGRAM.—The Congress urges that the Government of Pakistan adopt and implement a comprehensive narcotics control program which would provide for more effective prosecution of drug traffickers, increased interdiction, and aerial eradication of opium poppies.

(c) REPORT TO CONGRESS.—The Secretary of State shall report to the Congress not later than 60 days after the date of enactment of this Act with Respect to the adoption and implementation by the Government of Pakistan of a comprehensive narcotics control program in accordance with subsection (b).

SEC. 2026. OPIUM PRODUCTION IN IRAN, AFGHANISTAN, AND LAOS.

The Congress calls on the President to instruct the United States Ambassador to the United Nations to request that the United Nations Secretary General raise with delegations to the International Conference on Drug Abuse and Illicit Trafficking the problem of illicit drug production in Iran, Afghanistan, and Laos, the largest opium poppy producing countries which do not have narcotics control programs.

SEC. 2027. INCREASED FUNDING FOR USIA DRUG EDUCATION PROGRAMS.

In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated for the United States Information Agency for fiscal year 1987 $2,000,000 which shall be available only for increasing drug education programs abroad. These programs may include—

(1) the distribution of films and publications which demonstrate the impact of drugs on crime and health; and

(2) exchange of persons programs and international visitor programs involving students, educators, and scientists.

SEC. 2028. INCREASED FUNDING FOR AID DRUG EDUCATION PROGRAMS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the President for fiscal year 1987 $3,000,000 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, which amount shall be pursuant to section 126(b)(2) of that Act for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

SEC. 2029.[9] REPORTS TO CONGRESS ON DRUG EDUCATION PROGRAMS ABROAD.

The Director of the United States Information Agency and the Administrator of the Agency for International Development shall include in their annual reports to the Congress a description of the drug education programs carried out by their respective agencies.

SEC. 2030. NARCOTICS CONTROL EFFORTS IN MEXICO.

(a) CONGRESSIONAL FINDINGS.—The Congress finds—

(1) in their meeting in August 1986, President de la Madrid Hurtado and President Reagan recognized the unique relationship between our two countries and the importance and the desire to respect the sovereignty of each nation;

(2) further, the United States government has actively worked to support the Mexican government in easing its international debt burden;

(3) both Presidents pledged their cooperation in drug eradication, enforcement and education;

(4) this pledge of cooperation has not been realized fully because of the inadequate response of the Mexican government in:

(A) fully investigating the 1985 murders of U.S. Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot, Alfredo Zavala Avelar;

(B) fully investigating the 1986 detention and torture of U.S. Drug Enforcement Administration agent Victor Cortez, Junior;

(C) bringing to trial and effectively prosecuting those responsible for the Camarena and Zavala murders and those responsible for the detention and torture of Cortez;

(D) using effectively and efficiently the fleet of aircraft provided by the United States government for drug eradication and interdiction; and

(E) preventing drug trafficking and drug-related violence on the United States- Mexican border.

(b) MEASURES TO BE CONSIDERED.—Therefore, it is the sense of Congress that unless substantial progress is demonstrated in the near future on the issues described in subsection (a)(4),[10] the President should consider taking one or more of the following measures:

(1) imposition of a mandatory travel advisory for all of Mexico;

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[9] 22 U.S.C. 2291 note.

[10] Sec. 4802(a)(2) of Public Law 100-690 struck out "subsection (A)(4)" and inserted "subsection (a)(4)".

(2) restrictions on foreign assistance (including further disbursements from the Exchange Stabilization Fund and Federal Reserve Bank;

(3) denial of favorable tariff treatment for Mexican products;

(4) denial of favorable U.S. votes in multilateral development banks.

(c) PROSECUTION OF THOSE RESPONSIBLE FOR THE TORTURE AND MURDER OF DEA AGENTS.—Of the funds allocated for assistance for Mexico for fiscal year 1987 under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to international narcotics control), $1,000,000 shall be withheld from expenditure until the President reports to the Congress that the Government of Mexico—

(1) has fully investigated the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar;

(2) has fully investigated the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior; and

(3) has brought to trial and is effectively prosecuting those responsible for those murders and those responsible for that detention and torture.

7. Military Construction Appropriations Act, 1987, Sec. 101(k) of the Continuing Appropriations Act, 1987 (Public Law 99-591, October 30, 1986), Sec. 125

Partial Text of Public Law 99-591 [Continuing Appropriations Act, 1987; H.J. Res. 738]; 100 Stat. 3341, approved October 30, 1986

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely;

SEC. 101. * * *

(k) Such amounts as may be necessary for programs, projects or activities provided for in the Military Construction Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriation Act:

* * * * * * *

AN ACT Making apropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes.

* * * * * * *

SEC. 125. (a) None of the funds appropriated in this Act may be available for any country if the President determines that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances cultivated or produced or processed illicitly, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country of United States personnel or their dependents, or from being smuggled into the United States. Such prohibition shall continue in force until the President determines and reports to the Congress in writing that—

(1) the government of such country has prepared and committed itself to a plan presented to the Secretary of State that would eliminate the cause or basis for the application of such country of the prohibition contained in the first sentence; and

(2) the government of such country has taken appropriate law enforcement measures to implement the plan presented to the Secretary of State.

(b) The provisions of subsection (a) shall not apply in the case of any country with respect to which the President determines that the application of the provisions of such subsection would be inconsistent with the national security interests of the United States.

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8. Foreign Assistance and Related Programs Appropriations Act, 1987, Sec. 101(f) of the Continuing Appropriations Act, 1987 (Public Law 99-591, October 30, 1986), Sec. 526 Sec. 536 Sec. 553

SEC. 526. None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1986, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

SEC. 536. Of the funds made available by this Act for Jamaica and Peru, not more than 50 per centum of the funds made available for each country shall be obligated unless the President determines and reports to the Congress that the Governments of these countries are sufficiently responsive to the United States Government concerns on drug control and that the added expenditures of the funds for that country are in the national interest of the United States: *Provided*, That this provision shall not be applicable to funds made available to carry out section 481 of the Foreign Assistance Act of 1961: *Provided further*, That assistance may be provided to Bolivia for fiscal year 1987, under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only in accordance with the provisions of section 611 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) as amended by section 2011 of H.R. 5484 as passed by the Senate on September 30, 1986.

SEC. 553. If any funds appropriated by this Act for "Economic support fund", "Military assistance", "International military education and training", or "Foreign military credit sales" are not used for assistance for the country for which those funds were allocated because that country has not taken adequate steps to halt illicit drug production or trafficking (including any funds withheld pursuant to section 481(h) of the Foreign Assistance Act of 1961 or section 611 or 612 of the International Security and Development Cooperation Act of 1985), those funds shall be used for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

(1) Except as provided in paragraph (2), those funds shall be transferred to the "International Narcotics Control" account in order to provide additional narcotics control assistance to those countries. Such transfers may be made without regard to the 20-percent increase limitation contained in section 610(a) of the Foreign Assistance Act of 1961. Such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

(2) Any of those funds—

(A) which the President determines (and reports to the Congress) should not be used for additional narcotics control assistance for those countries because the additional assistance could not be used effectively in halting illicit drug production or trafficking,

(B) whose transfer pursuant to paragraph (1) is not approved by the Appropriations Committees, or

(C) which are appropriated for "Foreign military credit sales",

shall be reprogrammed within the account for which they were appropriated (subject to regular reprogramming procedures of the Committees on Appropriations) in order to provide additional economic or military assistance (as the case may be) to those countries.

9. Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988, Sec. 101(e) of the Continuing Appropriations for 1988 (P.L. 100-202, December 22, 1987)

NARCOTICS CONTROL REPORTING

SEC. 526.[28] None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1987, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

LIMITATIONS RELATED TO DRUG CONTROL IN JAMAICA, PERU, AND BOLIVIA

SEC. 534. (a) In making determinations with respect to Peru and Jamaica pursuant to section 481(h)(2)(A)(i)(I) of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of each country is sufficiently responsive to United States Government concerns on drug control and whether the added provision of assistance for that country is in the national interest of the United States.

(b) In making determinations with respect to Bolivia pursuant to section 481(h)(2)(A)(i)(I) of the Foreign Assistance Act of 1961, the President shall take into account (1) the extent to which the Government of Bolivia has engaged in narcotics interdiction operations which have significantly disrupted the illicit coca industry in Bolivia or has continued to cooperate with the United States in such operations; and (2) whether Bolivia has either met the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States or has adopted a plan to eliminate illicit narcotics cultivation, production, and trafficking countrywide, and has entered into an agreement of cooperation with the United States for implementing that plan for 1988 and beyond and is making substantial progress toward the plan's objectives, including substantial eradication of illicit coca crops and effective use of United States assistance.

COUNTRIES WITH ILLICIT DRUG PRODUCTION—TRANSFER OF FUNDING

SEC. 549. If any funds appropriated by this Act for "Economic Support Fund", "Military Assistance", "International Military Education and Training", or "Foreign Military Credit Sales" are not used for assistance for the country for which those funds were allocated because that country has not taken adequate steps to halt illicit drug production or trafficking, those funds shall be reprogrammed for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking.

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[28] Similar language was first enacted as sec. 133 of the Further Continuing Appropriations Act, 1983.

10. Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204, December 22, 1987)

SEC. 803. REQUIREMENT THAT EXTRADITION OF DRUG TRAFFICKERS BE A PRIORITY ISSUE OF UNITED STATES MISSIONS IN MAJOR ILLICIT DRUG PRODUCING OR TRANSIT COUNTRIES.

The Secretary of State shall ensure that the Country Plan for the United States diplomatic mission in each major illicit drug producing country and in each major drug-transit country (as those terms are defined in section 481(i) of the Foreign Assistance Act of 1961) includes, as an objective to be pursued by the mission—

(1) negotiating an updated extradition treaty which ensures that drug traffickers can be extradited to the United States, or

(2) if an existing treaty provides for such extradition, taking such steps as may be necessary to ensure that the treaty is effectively implemented.

SEC. 804. INFORMATION-SHARING SYSTEM SO THAT VISAS ARE DENIED TO DRUG TRAFFICKERS.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report on the status of the comprehensive information system on drug arrests of foreign nationals which was required to be established by section 132 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

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SEC. 806. SANCTIONS ON DRUG PRODUCING AND DRUG-TRANSIT COUNTRIES.

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(c) ALIENS EXCLUDABLE FROM ADMISSION TO THE UNITED STATES.—Section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended to read as follows:

"(23) Any alien who—

"(A) has been convicted of a violation of, or a conspiracy to violate, any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(B) the consular officers or immigration officers know or have reason to believe is or has been an illicit trafficker in any such controlled substance or is or has been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such controlled substance;".

11. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (P.L. 100-461, November 18, 1988)

TITLE II—BILATERAL ECONOMIC ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $101,000,000: *Provided,* That not less than [9] $7,000,000 of the funds appropriated under this heading shall be available for Latin America regional programs: *Provided further,* That in carrying out the provisions of section 481, increased emphasis should be placed on (1) further intensifying United States efforts in the eradication and interdiction of illicit narcotics, and (2) seeking international cooperation on narcotics enforcement matters such as in the areas of extradition treaties, mutual legal assistance to combat money laundering, sharing of evidence, and other initiatives for cooperative narcotics enforcement efforts.

TITLE V—GENERAL PROVISIONS

NARCOTICS CONTROL PROGRAM

SEC. 578. (a)(1) Of the funds appropriated by this Act under the heading "Economic Support Fund" $61,000,000 shall be made available only for Bolivia, Ecuador, Jamaica, and Peru; but not more than $25,000,000 shall be available to any one country.

(2) Of the funds appropriated by this Act to carry out the provisions of section 503 of the Foreign Assistance Act of 1961 (relating to the military assistance program) $16,500,000 shall be made available only for Bolivia, Ecuador, Jamaica, and Colombia, but not more than $5,000,000 shall be available for any one country.

(3)[102] Funds made available under this subsection shall be available for obligation consistent with the provisions of section 481(h) of the Foreign Assistance Act of 1961 (relating to International Narcotics Control).

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[102] Sec. 4205(h) of Public Law 100-690 struck out paragraph (3), struck out "except as provided in paragraph (3) of this subsection" at the end of para. (4), and redesignated (4) as (3). Paragraph (3) formerly read as follows:

"(3) Of the funds appropriated by this Act to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, $3,500,000 shall be made available in accordance with the general authorities contained in section 481(a) of the Foreign Assistance Act of 1961, only for the procurement of weapons or ammunition for foreign law enforcement agencies, and paramilitary units organized for the specific purposes of narcotics enforcement, for use in narcotics control, eradication, and interdiction efforts, notwithstanding section 482(b) of such Act: *Provided,* That funds made available under this paragraph shall be made available only for Bolivia, Peru, Colombia, Ecuador, and for the regional air wing pursuant to sections 482 and 484 of the Foreign Assistance Act of 1961, and shall be in addition to amounts earmarked for the countries contained in paragraph (2) of this subsection."

(b) None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1988, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures (including satisfying the goals agreed to in applicable bilateral narcotics agreements as defined in section 481(h)(2)(A)(ii) of the Foreign Assistance Act of 1961) to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

(c) In making determinations with respect to Bolivia, Colombia, Ecuador, and Peru pursuant to section 481(h)(2)(A)(i)(I) of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of each country is sufficiently responsive to United States Government concerns on coca control and whether the provision of assistance for that country is in the national interest of the United States.

(d) [103] If any funds appropriated by this Act for "Economic Support Fund", "Military Assistance", "International Military Education and Training", or "Foreign Military Credit Sales" are not used for assistance for the country for which those funds were allocated because that country has not taken adequate steps to halt illicit drug production or trafficking, those funds shall be reprogrammed for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking: *Provided,* That any such reprogramming shall be subject to the notification procedures of the Committees on Appropriations.

(e)(1) Of the funds appropriated under title II of this Act for the Agency for International Development, up to $10,000,000 should be made available for narcotics education and awareness programs (including public diplomacy programs), of the Agency for International Development, and up to $15,000,000 of the funds appropriated under title II of this Act should be made available for narcotics related economic assistance activities.

(2) Section 481(i)(4)(E) of the Foreign Assistance Act of 1961 is amended by—

(A) inserting "(vii) assistance for narcotics education and awareness activities under section 126 of this Act;" after "this Act,"; and

(B) redesignating clause (vii) as clause (viii).

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[103] Sec. 4206(a) of Public Law 100-690 amended the FA Act of 1961 by adding at the end a new sec. 486, titled: "Reallocation of Funds Withheld From Countries Which Fail to Take Adequate Steps to Halt Illicit Drug Production or Trafficking." Sec 4206(b) of Public Law 100-690 stipulated that sec. 578(d) of this Act is superseded by the new sec. 486

(f) In order to maximize the participation of other countries in the effort to promote international narcotics control, the Secretary of State is directed to urge the United Nations Fund for Drug Abuse Control to develop a more comprehensive program for enlisting greater multilateral support for coca control programs and related development activities in South America.

(g)(1) Section 481(h)(2)(A)(ii) of the Foreign Assistance Act of 1961 is amended to read as follows:

> "(ii) A bilateral narcotics agreement referred to in clause (i)(I) is an agreement between the United States and a foreign country whereby the foreign country agrees to undertake specific activities including, where applicable, efforts to reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution; drug interdiction and enforcement; drug consumption and treatment; identification and elimination of illicit drug laboratories; identification and elimination of the trafficking of precursor chemicals for the use in production of illegal drugs; cooperation with United States drug enforcement officials; and, where applicable, participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.".

(2) Section 585(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in Public Law 100-202) is amended to read as follows:

"(c) Beginning with certifications with respect to fiscal year 1989 and each subsequent year, a country which in the previous year was designated a major drug producing or drug transit country may not be deemed as cooperating fully unless it has in place a bilateral narcotics agreement with the United States, or a multilateral agreement which achieves the objectives of this section.".[104]

(3) Section 481(h)(2)(A)(i)(I) of the Foreign Assistance Act of 1961 is amended by inserting "or multilateral agreement which achieves the objectives of this subsection," after "(ii))".

(h) Section 481(h)(1) of the Foreign Assistance Act of 1961 is amended by inserting before "Subject" the following: "Not later than October 1 of each year, the Secretary of State shall submit a report to the Congress of those countries identified by the Secretary as being major drug producing or major drug transit countries (including the definition used to determine such drug transit countries) for purposes of the withholding requirements contained in subparagraph (A) of this paragraph and the certification requirements contained in paragraph (2) of this subsection.".

(i) Section 481(h)(2)(B) of the Foreign Assistance Act of 1961 is amended by striking out "clause (A)(ii)" and inserting in lieu thereof "subparagraph (A)(i)(II)".

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[104] Sec. 4407(b)(2) of the International Narcotics Control Act of 1988 (Public Law 100-690, 102 Stat. 4281) struck out sec. 585(c).

12. International Narcotics Control Act of 1988

Title IV of Public Law 100–690 [Anti-Drug Abuse Act of 1988, H.R. 5210], 102 Stat. 4181 at 4261, approved November 18, 1988

TITLE IV—INTERNATIONAL NARCOTICS CONTROL

SEC. 4003.[2] DEFINITIONS.

As used in this title, the terms "drug" and "narcotic" mean narcotic and psychotropic drugs and other controlled substances as defined in section 481(i)(3) of the Foreign Assistance Act of 1961.

Subtitle B—Multilateral Narcotics Control Efforts

SEC. 4101.[3] REGIONAL ANTI-NARCOTICS FORCES.

(a) NEED FOR ANTI-NARCOTICS FORCE IN THE WESTERN HEMISPHERE.—It is the sense of Congress that—

(1) the operations of international illegal drug smuggling organizations pose a direct threat to the national security of the member nations of the Organization of American States;

(2) illegal international drug smuggling organizations have grown so large and powerful that they threaten to overwhelm small nations standing alone against them;

(3) to preserve the national sovereignty, protect the public health, and maintain domestic law and order within their borders, member nations of the Organization of American States should coordinate their efforts to fight the illegal drug trade;

(4) recent events in drug source and transit countries in the Western Hemisphere make clear the requirement for international agreement on the formation of a multinational force to conduct operations against these illegal drug smuggling organizations;

(5) the United States should make every effort to initiate diplomatic discussions through the Organization of American States aimed at achieving agreement to establish and operate a Western Hemisphere anti-narcotics force; and

(6) sensitive to the legitimate concerns of other member nations of the Organization of American States, the United States stands ready to provide equipment, training, and financial resources to support the establishment and operation of such an anti-narcotics force, but believes that the personnel for such a force should be provided by those nations facing the most serious threat from drug trafficking organizations.

(b) DIPLOMATIC DISCUSSIONS REGARDING WESTERN HEMISPHERE REGIONAL FORCE.—The President shall direct the United States Ambassador to the Organization of American States, under the direction of the Secretary of State, to initiate diplomatic discussions with member nations of the Organization of American States aimed at securing agreement to the formation of a multinational force to conduct operations against international illegal drug smuggling organizations wherever they may be found in the Western Hemisphere.

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the progress

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[2] 22 U.S.C. 2291 note.

[3] 22 U.S.C. 2291 note.

United States diplomatic efforts have made toward achieving agreement on the establishment of such a multinational anti-narcotics force for the Western Hemisphere.

(d) BUDGET REQUEST.—If diplomatic efforts toward achieving a multinational anti-narcotics force for the Western Hemisphere demonstrate progress or agreement has been reached on formation of such a force, the President shall submit to the Congress, within 30 days after submission of the report required by subsection (c), supplemental budget requests for fiscal years 1989 and 1990 covering the United States share of the cost of operation and maintenance of such a force.

(e) OTHER REGIONAL ANTI-NARCOTIC FORCES.—The Congress urges the President to seek the establishment, in each of the relevant regions of the world, of a multilateral anti-narcotics force similar to the Western Hemisphere anti-narcotics force contemplated by this section.

SEC. 4102. UNITED NATIONS EFFORTS TO STOP ILLEGAL DRUG TRAFFICKING.

(a) FINDINGS.—The Congress finds that—

(1) the Department of State estimates that in 1987 the worldwide production of opium was between 1,902 and 3,107 metric tons, production of cocaine hydrochloride was between 324 and 422 metric tons, and production of marijuana was between 10,930 and 17,625 metric tons;

(2) it is estimated that the value of the illegal drug trade worldwide is as high as $500,000,000,000 a year;

(3) drug traffickers appear to be intensifying their efforts to distribute drugs to Western industrialized nations, as a source of stable currencies;

(4) drug traffickers also appear to be intensifying their efforts to distribute drugs to developing nations, as a means to increase their market;

(5) it is estimated that there are between 25,000,000 and 30,000,000 drug addicts worldwide;

(6) the American illegal drug market alone, comprised primarily of marijuana, cocaine, and heroin, annually produces between $50,000,000,000 and $100,000,000,000 at the retail level;

(7) approximately 35 percent of the inmates of State prisons were under the influence of illegal drugs at the time they committed the crime for which they were incarcerated;

(8) it is estimated that there are 26,000,000 regular users of illegal drugs in the Nation, slightly more than 10 percent of the Nation's population; and

(9) over 50 percent of the high school seniors in the Nation have used marijuana or hashish.

(b) ENCOURAGEMENT FOR ESTABLISHMENT OF INTERNATIONAL FORCE.—The Congress encourages the United Nations to explore ways and means to establish an international force or mechanism aimed at stopping the trafficking of illegal drugs.

SEC. 4103. INTERNATIONAL DRUG FORCE.

It is the sense of the Congress that the President should call for international negotiations for the purpose of agreeing on the establishment of an international drug force to pursue and apprehend major international drug traffickers.

SEC. 4104. INTERNATIONAL DRUG CONFERENCE.

It is the sense of the Congress that—

(1) the President should convene as soon as possible an international conference to be known as the International Conference on Combatting Illegal Drug Production, Trafficking, and Use in the Western Hemisphere;

(2) this conference should involve the heads of state, the highest-ranking law enforcement officers, and other appropriate officials from every government in the Western Hemisphere that is willing to combat the drug trade, and whose cooperation the President determines is essential to that goal; and

(3) this conference should focus exclusively on combatting the drug trade and, in particular, should emphasize enhancing cooperative efforts among the governments of the Western Hemisphere to—

(A) substantially reduce the production, cultivation, and processing of illicit drugs;

(B) eliminate the transshipment of such drugs through countries in the Western Hemisphere;

(C) curb the demand for and use of such drugs in every country in the Western Hemisphere;

(D) combat the problems of drug-related corruption and drug money laundering; and

(E) share intelligence information, extradite drug traffickers, and take other steps necessary to improve law enforcement efforts against the drug trade

SEC. 4105. INTEGRATED REGIONAL PLAN TO FIGHT THE INTERNATIONAL COCAINE TRADE.

(a) CONSULTATIONS CONCERNING CREATION OF AN INTEGRATED PLAN.—The Secretary of State shall consult with—

(1) the heads of appropriate agencies and departments of the United States Government,

(2) the governments of those countries in the Western Hemisphere that cultivate, process, or traffic in cocaine, and

(3) the governments of other cocaine consuming countries,

about the feasibility of creating a comprehensive, integrated, multinational plan whose objective would be the substantial reduction or elimination of the international cocaine trade.

(b) REPORT ON THE INTEGRATED PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall report to the Congress on—

(1) the feasibility of creating a comprehensive, integrated, multinational plan whose objective would be the substantial reduction or elimination of the international cocaine trade;

(2) the measures in such areas as eradication, interdiction, crop substitution, economic development, extradition, money-laundering, precursor chemical control, and related fields, that would be required to achieve such an objective;

(3) the material resources, funding, and technological assistance each producer and transit country would require in order to achieve such an objective; and

(4) the resources, funding, and other assistance each producer, transit, and consuming country would be prepared to make available for such an effort.

SEC. 4106. REGIONAL ANTI-NARCOTICS TRAINING CENTER IN THE CARIBBEAN.

It is the sense of the Congress that the Assistant Secretary of State for International Narcotics Matters—

(1) should seek the establishment of a regional anti-narcotics training center in the Caribbean;

(2) should contribute funds or other resources to such a center; and

(3) should seek such contributions from other countries for such a center.

SEC. 4107. AUTHORIZATION OF APPROPRIATIONS FOR MULTILATERAL AND REGIONAL DRUG ABUSE CONTROL PROGRAMS.[4] * * *

SEC. 4108. INTERNATIONAL CRIMINAL COURT.

(a) In General.—It is the sense of the Senate that the President should begin discussions with foreign governments to investigate the feasibility and advisability of establishing an international criminal court to expedite cases regarding the prosecution of persons accused of having engaged in international drug trafficking or having committed international crimes.

(b) United States Citizens.—Such discussions shall not include any commitment that such court shall have jurisdiction over the extradition of United States citizens and shall assure that any international agreement shall recognize the rights and privileges guaranteed to United States citizens under the United States Constitution.

Subtitle C—Authorizations and Earmarkings of Foreign Assistance

SEC. 4201. AUTHORIZATION FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

Section 482(a) of the Foreign Assistance Act of 1961 is amended by striking out paragraphs (1) and (3) and by inserting the following new paragraph (1) after "(a)":

"(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $101,000,000 for fiscal year 1989.".

SEC. 4202. HERBICIDES FOR AERIAL COCA ERADICATION.

(a) Earmarking of Funds.—The Secretary of State shall use not less than $500,000 of the funds made available for fiscal year 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control) to finance the testing and use of safe and effective herbicides for use in the aerial eradication of coca.

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[4] Sec. 4107 amended sec. 302 of the Foregn Assistance Act of 1961.

(b) IMPACT ON THE ENVIRONMENT AND HEALTH.—Section 481(d) of that Act is amended by adding at the end the following:

"(5)(A) The President, with the assistance of appropriate Federal agencies, shall monitor any use under this chapter of a herbicide in the aerial eradication of coca in order to determine the impact of such use on the environment and on the health of individuals.

"(B) The President shall report on such impact in the annual report required by subsection (e).

"(C) If the President determines that any such use is harmful to the environment or the health of individuals, the President shall immediately report that determination to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, together with such recommendations as the President deems appropriate.".

SEC. 4203. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.

(a) EARMARKING OF MAP FUNDS.—Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to the grant military assistance program), $1,000,000 for fiscal year 1989 shall be made available to arm, for defensive purposes, aircraft used in narcotics control eradication or interdiction efforts. These funds may only be used to arm aircraft already in the inventory of the recipient country, and may not be used for the purchase of new aircraft.

(b) NOTIFICATION TO CONGRESS.—The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

SEC. 4204. TRAINING FOR NARCOTICS CONTROL ACTIVITIES.

(a) EARMARKING OF FUNDS.—Not less than $2,000,000 of the funds made available for fiscal year 1989 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training) shall be available only for—

(1) education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts of countries in Latin America and the Caribbean which are described in subsection (c); and

(2) the expenses of deploying, upon the request of the government of a foreign country described in subsection (c), Department of Defense mobile training teams in that foreign country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(b) UNITS ELIGIBLE FOR TRAINING.—Education and training may be provided under subsection (a)(1) and training may be provided under subsection (a)(2) only for foreign law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(c) Eligible Countries.—Assistance may be provided under this section only for countries—

(1) which are major illicit drug producing or major drug-transit countries (as defined in section 481(i) of the Foreign Assistance Act of 1961);

(2) which have democratic governments; and

(3) whose law enforcement agencies do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961).

(d) Coordination With International Narcotics Control Assistance Program.—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control).

(e) Waiver of Section 660.—Assistance may be provided pursuant to this section notwithstanding the prohibition contained in section 660 of the Foreign Assistance Act of 1961 (relating to police training).

SEC. 4205. MILITARY ASSISTANCE FOR ANTI-NARCOTICS EFFORTS.

(a) Purposes of Assistance.—Assistance provided under this section shall be designed to—

(1) enhance the ability of friendly governments to control illicit narcotics production and trafficking;

(2) strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of great mutual concern; and

(3) strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking.

(b) Waiver of Certain Provisions.—During fiscal years 1989 and 1990, section 660(a) of the Foreign Assistance Act of 1961 shall not apply with respect to assistance provided under chapter 2 of part II of that Act (relating to the grant military assistance program) to countries described in subsection (c) for the procurement, for use in narcotics control, eradication, and interdiction efforts, of weapons or ammunition for foreign law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(c) Eligible Countries.—Assistance may be provided under this section only for countries—

(1) which are major illicit drug producing or major drug-transit countries (as defined in section 481(i) of the Foreign Assistance Act of 1961);

(2) which have democratic governments; and

(3) whose law enforcement agencies do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961).

(d) Reports to Congress.—Not less than 15 days before funds are obligated to provide assistance authorized by this section, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable under section 634A of the Foreign Assistance Act of 1961, a written notification which specifies—

(1) the country to which the assistance is to be provided;

(2) the type and value of the assistance to be provided;

(3) the law enforcement agencies or other units that will receive the assistance; and

(4) an explanation of how the proposed assistance will achieve the purposes specified in subsection (a) of this section.

(e) REPORTS ON HUMAN RIGHTS SITUATION.—Section 502B(c) of the Foreign Assistance Act of 1961 (relating to country-specific human rights reports upon the request of the foreign affairs committees) applies with respect to countries for which assistance authorized by this section is proposed or is being provided.

(f) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control).

(g) EARMARKING FOR LATIN AMERICA AND THE CARIBBEAN.—Of the amounts made available for fiscal year 1989 to carry out chapter 2 of part II of the Foreign Assistance Act of 1961, $3,500,000 shall be available only to provide assistance authorized by this section for countries in Latin America or the Caribbean.

(h) CONFORMING AMENDMENTS.—(1) Section 578(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), is amended—

(A) by striking out paragraph (3);

(B) in paragraph (4), by striking out "except as provided in paragraph (3) of this subsection"; and

(C) by redesignating paragraph (4) as paragraph (3).

(2) The amendments made by paragraph (1) shall be effective as of October 1, 1988.

SEC. 4206. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.

(a) REQUIREMENT TO REALLOCATE.—Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 486. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.

"(a) ADDITIONAL ASSISTANCE FOR COUNTRIES TAKING SIGNIFICANT STEPS.—If any funds authorized to be appropriated for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of the requirements of section 481(h) or any other provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

"(1) INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.—Those funds may be transferred to and consolidated with the funds appropriated to carry out this chapter in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funding for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610(a). This paragraph does not apply with respect to funds made available for assistance under the Arms Export Control Act.

"(2) SECURITY ASSISTANCE.—Any such funds not used under paragraph (1) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures under section 634A) in order to provide additional security assistance for those countries.

"(b) DEFINITION OF SECURITY ASSISTANCE.—As used in this section, the term 'security assistance' means assistance under chapter 2 of part II of this Act (relating to the grant military assistance program), chapter 4 of part II of this Act (relating to the Economic Support Fund), chapter 5 of part II of this Act (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales financing).".

(b) CONFORMING AMENDMENTS.—(1) The amendment made by subsection (a) of this section supersedes section 578(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461).

(2) Funds may be transferred pursuant to paragraph (1) of section 486(a) of the Foreign Assistance Act of 1961 (as enacted by this section) notwithstanding section 514 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (as amended by section 589 of that Act), relating to transfers between accounts.

Subtitle D—Provisions Relating to Specific Countries

SEC. 4301. COOPERATIVE NONMAJOR DRUG-TRANSIT COUNTRIES.

(a) GREATER ATTENTION.—The Congress urges the Assistant Secretary of State for International Narcotics Matters to give greater attention, and provide more narcotics control assistance, to those countries which are drug-transit countries but are not major drug-transit countries (as defined in section 481(i)(5) of the Foreign Assistance Act of 1961) and which are cooperating with the United States in its international narcotics control efforts.

(b) EARMARKING OF ASSISTANCE.—Of the amounts made available for fiscal year 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control), not less than $1,000,000 shall be available only for assistance to countries described in subsection (a).

SEC. 4302. ASSISTANCE FOR BOLIVIA.

(a) SECURITY ASSISTANCE.—For fiscal year 1989, assistance may be provided for Bolivia under chapter 2 (relating to the grant military assistance program), chapter 4 (relating to the Economic Support Fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing) only if the President certifies to the Congress that the Government of Bolivia is implementing legislation that—

(1) establishes its legal coca requirements,

(2) provides for the licensing of the number of hectares necessary to produce the legal requirement,

(3) makes unlicensed coca production illegal, and

(4) makes possession and distribution of coca leaf illegal (other than possession and distribution for licit purposes).

(b) SECTION 481 CERTIFICATION.—

(1) CONDITIONS ON CERTIFICATION.—For fiscal year 1989, the President may make a certification with respect to Bolivia under clause (i) or (ii) of section 481(h)(2)(A) of the Foreign Assistance Act of 1961 only if the Government of Bolivia—

(A) has entered into the narcotics cooperation agreement with the United States specified in section 611(2)(B) of the International Security and Development Cooperation Act of 1985;

(B) has fully achieved the eradication targets contained in that agreement; and

(C) has begun a program of forced eradication of illicit coca cultivation if the targets for voluntary eradication are not being met or are not continued.

(2) NONWAIVABILITY.—The authorities contained in section 614 of the Foreign Assistance Act of 1961 may not be used to waive the requirements of this subsection, and may not be used to waive the requirements of section 481(h) of that Act for fiscal year 1989 with respect to Bolivia.

(c) DEVELOPMENT ASSISTANCE.—For fiscal year 1989, the project agreement document for a project carried out pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) shall contain—

(1) in the case of the Chapare Regional Development Project, a clause requiring that project activities be suspended if the Government of Bolivia fails to achieve the coca eradication targets contained in the applicable agreement concerning that project; and

(2) in the case of a project to be carried out in an area in Bolivia in which there is no known illicit coca cultivation as of the date of enactment of this Act, a clause requiring that project activities be suspended if the Government of Bolivia fails to keep the project area free of illicit coca cultivation.

(d) FISCAL YEAR 1989 EARMARKING.—Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), is amended in the paragraph under the heading "INTERNATIONAL NARCOTICS CONTROL" by striking out

"$15,000,000" in the first proviso and all that follows through "not less than" in the second proviso.

SEC. 4303. ASSISTANCE FOR PERU.

(a) DETERMINATIONS REGARDING NARCOTICS CONTROL COOPERATION.—In making determinations with respect to Peru pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961 for fiscal year 1989, the President shall give foremost consideration to whether the Government of Peru made substantial progress in meeting its coca eradication targets during the previous year.

(b) UPPER HUALLAGA VALLEY PROJECT.—Funds authorized to be appropriated for fiscal year 1989 to carry out chapter 1 of part I of that Act (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if the Secretary of State determines, and reports to the Congress, that such project continues to be effective in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley.

SEC. 4304. ASSISTANCE FOR MEXICO.

(a) LIMITATION ON ASSISTANCE.—(1) Except as provided in paragraph (2), not more than $15,000,000 of the amounts made available for fiscal year 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control) may be made available for Mexico.

(2) Assistance in excess of the amount specified in paragraph (1) may be made available for Mexico only if the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 are notified at least 15 days in advance in accordance with the regular reprogramming procedures applicable under that section.

(b) COOPERATION ON DRUG LAW ENFORCEMENT MATTERS.—The Congress urges the Government of Mexico to cooperate fully with the United States on matters of concern to the United States regarding drug law enforcement. In particular, the Congress anticipates that the new Government which will take office on December 1 will move expeditiously to bring to trial and effectively prosecute those responsible for the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar and those responsible for the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior.

(c) JOINT AIR OPERATIONS AND JOINT CREWING.—In making determinations with respect to Mexico pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961 for fiscal year 1989, the President shall consider whether the Government of Mexico has responded favorably to the United States proposals to establish, and is making measurable progress toward implementing—

(1) a joint United States-Mexico airborne apprehension capability (commonly referred to as "joint air operations"); and

(2) joint air surveillance operations (commonly referred to as "joint crewing").

(d) BANKING INFORMATION CONCERNING MONEY LAUNDERING.—The Congress encourages the Government of Mexico, upon ratification of the Mutual Legal Assistance Treaty between the United States and Mexico, to furnish banking information pursuant to that treaty which would permit the successful investigation and prosecution in the United States of major narco-terrorists who use Mexican financial institutions to "launder" their profits.

SEC. 4305. ASSISTANCE FOR COLOMBIA.

(a) Size of Military Assistance Group.—The third sentence of section 515(c)(1) of the Foreign Assistance Act of 1961 (relating to countries authorized to have more than 6 members of the Armed Forces assigned to carry out international security assistance programs) is amended by inserting "Colombia," after "Honduras,".

(b) Increased Military Assistance.—There are authorized to be appropriated to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to the grant military assistance program) $15,000,000 as supplemental appropriations for fiscal year 1989, which are authorized to remain available until expended. These funds shall be available only to provide defense articles to the armed forces of Colombia to support their efforts to combat illicit narcotics production and trafficking.

(c) Protection From Narco-Terrorist Attacks.—

(1) Earmark of funds.—Of the funds made available for fiscal year 1989 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund), not less than $5,000,000 shall be used to provide to the Government of Colombia such assistance as it may request to provide protection against narco-terrorist attacks on judges, other government officials, and members of the press.

(2) Waiver of prohibition on assistance to police forces.—The assistance provided for in paragraph (1) may be provided without regard to section 660 of the Foreign Assistance Act of 1961.

(3) Notification to congress.—Funds made available pursuant to paragraph (1) may not be obligated until at least 15 days after the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the proposed obligation in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

(4) Extension of period for obligation of funds.—Funds allocated to carry out this subsection shall remain available until expended, notwithstanding any other provision of law.

SEC. 4306. ILLICIT DRUG PRODUCTION AND TRAFFICKING IN PAKISTAN.

In making determinations with respect to Pakistan pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of Pakistan—

(1) is increasing the number of illicit laboratories destroyed and is vigorously prosecuting and punishing the owners and operators of such laboratories;

(2) is increasing the number of arrests and successful prosecutions of violators, with particular emphasis on putting major traffickers out of business; and

(3) has made changes in Pakistani legal codes in order to enable Pakistani law enforcement officials to move more effec-

tively against narcotics traffickers, such as new conspiracy laws and new asset seizure laws.

SEC. 4307. UNITED STATES RELIANCE ON LICIT OPIUM GUM FROM FOREIGN SOURCES.

(a) Review Required.—The President shall conduct a review of United States narcotics raw material policy to determine—

(1) the current and reserve international needs for opium-derived pharmaceutical and chemical products, and the relative capabilities for meeting those needs through the opium gum process and the concentrated poppy straw method of production;

(2) whether the United States should continue to rely on a single foreign country for all its licit opium gum;

(3) whether it should be United States policy to encourage all countries which produce licit opium to use the concentrated poppy straw method of production; and

(4) what options are available, consistent with treaties to which the United States is a party, to reduce United States reliance on licit opium gum from foreign sources.

(b) Report to Congress.—The results of this review shall be reported to the Congress not later than 6 months after the date of enactment of this Act.

SEC. 4308. AFGHANISTAN AS A HEROIN SOURCE.

(a) Finding.—The Congress finds that Afghanistan remains the source of most of the heroin exported from southwest Asia.

(b) Statement of Policy.—It is the sense of the Congress that—

(1) the United States Government should pursue efforts to press the Government of Afghanistan, and should work with the Mujahadeen—

(A) to reduce production and trafficking in areas under their respective control, and

(B) to encourage drug eradication, interdiction, and crop substitution in Afghanistan; and

(2) an initiative should be developed which could be put in place as the Mujahadeen and successors to the present Kabul regime begin to exert more civil authority.

SEC. 4309. INVOLVEMENT OF THE GOVERNMENT OF LAOS IN ILLICIT DRUG PRODUCTION AND TRAFFICKING.

(a) Periodic Reports.—The President shall prepare and transmit to the Congress, in accordance with subsection (b), periodic reports containing the following determinations:

(1) Does the Government of Laos, as a matter of government policy, encourage or facilitate the production or distribution of illegal drugs?

(2) Does any senior official of the Government of Laos engage in, encourage, or facilitate the production or distribution of illegal drugs?

(3) Do other governments in the region assist the distribution of illegal drugs from Laos?

(b) Time for Submission of Reports.—The report described in subsection (a) shall be submitted as part of each report required by section 481(e) of the Foreign Assistance Act of 1961 and as part of each report required by section 2013 of the Anti-Drug Abuse Act of 1986.

(c) Information To Be Included.—(1) If an affirmative determination is made under paragraph (1) or (2) of subsection (a), the report shall describe the activities and identities of officials whose activities caused that determination to be made.

(2) If an affirmative determination is made under paragraph (3) of subsection (a), the report shall describe the activities of other governments in the region which caused that determination to be made.

Subtitle E—Annual Report and Certification Process

SEC. 4401. EXPRESSION IN NUMERICAL TERMS OF MAXIMUM ACHIEVABLE REDUCTIONS IN ILLICIT DRUG PRODUCTION.[5] * * *

SEC. 4402. REPORTS ON ASSISTANCE DENIED.[5] * * *

SEC. 4403. EXCLUSION OF CERTAIN NARCOTICS EDUCATION ACTIVITIES FROM DEFINITION OF UNITED STATES ASSISTANCE.[5] * * *

SEC. 4404. REPORTS AND RESTRICTIONS CONCERNING CERTAIN COUNTRIES.[6] * * *

SEC. 4405. DETERMINING MAJOR DRUG-TRANSIT COUNTRIES.[5]

(a) Procedures for Determining.—Section 481 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(k)(1) For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under subsection (i)(5)(A) and (B) of this section.

"(2) Not later than September 1 of each year, the Secretary of State shall make a preliminary determination of the numerical standards and other guidelines to be used pursuant to paragraph (1) with respect to that year and shall notify the appropriate committees of the Congress of those standards and guidelines.

"(3) Not later than October 1 of each year, the Secretary of State shall notify the appropriate committees of the Congress of—

"(A) which countries appear likely, as of that date, to be determined to be major drug-transit countries for that year under the numerical standards and other guidelines developed pursuant to this subsection; and

"(B) which countries appear likely, as of that date, to be determined to be major illicit drug producing countries for that year.

"(4) Each report submitted pursuant to subsection (e) shall discuss—

"(A) any changes made, since the notification provided pursuant to paragraph (2), in the numerical standards and other guidelines used in determining which countries were major drug-transit countries under subsection (i)(5)(A) and (B) during the preceding year; and

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[5] Secs. 4401, 4402, 4403, and 4405 extensively amended sec. 481 of the Foreign Assistance Act of 1961.

[6] Sec. 4404 amended sec. 2013(a) of the Anti-Drug Abuse Act of 1986 (Public Law 99-570, 100 Stat. 3207).

"(B) any changes made, since the notification provided pursuant to paragraph (3)—

"(i) in the countries determined to be major drug-transit countries under subsection (i)(5)(A) and (B) during the preceding year; or

"(ii) in the countries determined to be major illicit drug producing countries for that year.".

(b) Transition Provision.—With respect to fiscal year 1989, the Secretary of State—

(1) shall take the actions specified in subsection (k)(2) of section 481 of the Foreign Assistance Act of 1961 (as added by subsection (a) of this section) not later than 30 days after the date of enactment of this Act; and

(2) shall take the actions specified in subsection (k)(3) of that section (as added by subsection (a) of this section) not later than 60 days after the date of enactment of this Act.

SEC. 4406. WAIVER OF RESTRICTIONS ON UNITED STATES ASSISTANCE FOR CERTAIN MAJOR DRUG-TRANSIT COUNTRIES.

Section 481(h) of the Foreign Assistance Act of 1961 shall not apply with respect to a major drug-transit country for fiscal year 1989 if the President certifies to the Congress, during that fiscal year, that—

(1) section 481(i)(5)(C) of that Act (relating to money laundering) does not apply to that country;

(2) the country previously was a major illicit drug producing country but, during each of the preceding two years, has effectively eliminated illicit drug production; and

(3) the country is cooperating fully with the United States or has taken adequate steps on its own—

(A) in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in section 481(h)(2) of that Act) or a multilateral agreement which achieves the objectives of that section;

(B) in preventing narcotic and psychotropic drugs and other controlled substances transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States; and

(C) in preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts.

SEC. 4407. ANNUAL CERTIFICATION PROCEDURES FOR BILATERAL AND MULTILATERAL ASSISTANCE.[7] * * *

SEC. 4408. ANNUAL CERTIFICATION PROCEDURES FOR TRADE AND AVIATION SANCTIONS.[8] * * *

Subtitle F—Miscellaneous Provisions Relating to Assistance Programs

SEC. 4501.[9] REPORTING ON TRANSFER OF UNITED STATES ASSETS.

(a) 15-Day Advance Notification.—Any transfer by the United States Government to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity shall be subject to the regular reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

(b) Annual Reports.—Section 4601 of this title requires that all such transfers be reported annually to the Congress.

SEC. 4502. IMPORTANCE OF SUPPRESSING INTERNATIONAL NARCOTICS TRAFFICKING.[10]

SEC. 4503. PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.[11] * * *

SEC. 4504. PROCUREMENT FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

The Congress urges the Secretary of State to take appropriate corrective action to improve the Department of State's procurement operations in order to assure that the procurement of property or services for use in providing assistance under chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control assistance) is timely, efficient, and in accordance with applicable procurement statutes and regulations.

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[7] Sec. 4407 extensively amended sec. 481(h) of the Foreign Assistance Act of 1961. For text, see page 403. Sec. 4402(b)(2) also repealed sec. 585(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act. 1988 (contained in sec. 101(e) of Public Law 100-202).

[8] 22 U.S.C. 2291-2.

[10] Sec. 4502 amended sec. 481(a)(1) of the Foreign Assistance Act of 1961.

[11] Sec. 4503 added a new "SEC. 487. PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS." to the Foreign Assistance Act of 1961.

SEC. 4505. PROHIBITION ON USE OF NARCOTICS CONTROL ASSISTANCE TO ACQUIRE REAL PROPERTY.[12] * * *

SEC. 4506. REIMBURSEMENT FOR DOD SERVICES USED IN PROVIDING INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.[13] * * *

SEC. 4507. PERMISSIBLE USES OF AIRCRAFT AND OTHER EQUIPMENT.[14] * * *

Subtitle G—Department of State Activities

SEC. 4601.[15] COORDINATION OF ALL UNITED STATES ANTI-NARCOTICS ASSISTANCE TO FOREIGN COUNTRIES.

(a) COORDINATION.—Consistent with subtitle A of title I of this Act, the Secretary of State shall be responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking.

(b) ANNUAL REPORTS.—

(1) REQUIREMENT FOR REPORTS.—At the time that the report required by section 481(e) of the Foreign Assistance Act of 1961 is submitted each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance provided by the United States Government during the preceding fiscal year to support international efforts to combat illicit narcotics production or trafficking.

(2) SPECIFIC ITEMS TO BE INCLUDED.—(A) Each report pursuant to this subsection shall specify the amount and nature of the assistance provided.

(B) Each report pursuant to this subsection shall include, for each country which is a significant direct or indirect source of illicit narcotic and psychotropic drugs and other controlled substances significantly affecting the United States, a section prepared by the Drug Enforcement Administration, a section prepared by the Customs Service, and a section prepared by the Coast Guard, which describes in detail—

(i) the assistance provided or to be provided (as the case may be) to such country by that agency, and

(ii) the assistance provided or to be provided (as the case may be) to that agency by such country,

with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year.

(C) Each report required by this subsection shall also list all transfers, which were made by the United States Government during the preceding fiscal year, to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity, including an estimate of the fair market value and physical condition of each item of property transferred.

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[12] Sec. 4505 added a new "SEC. 488. PROHIBITION ON USE OF NARCOTICS CONTROL ASSISTANCE TO ACQUIRE REAL PROPERTY." to the Foreign Assistance Act of 1961.

[13] Sec. 4506 amended sec. 632(c) of the Foreign Assistance Act of 1961.

[14] Sec. 4507 added a new "SEC. 489. PERMISSIBLE USES OF AIRCRAFT AND OTHER EQUIPMENT." to the Foreign Assistance Act of 1961.

[15] 22 U.S.C. 2291-3.

(3) Reports may be classified.—The reports required by this subsection may be provided on a classified basis to the extent necessary.

(c) Rule of Construction.—Nothing contained in this section shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

SEC. 4602. REWARDS FOR INFORMATION CONCERNING NARCOTICS-RELATED OFFENSES COMMITTED OUTSIDE THE UNITED STATES.[16] * * *

SEC. 4603. DENIAL OF PASSPORTS TO CERTAIN CONVICTED DRUG TRAFFICKERS.[16] * * *

SEC. 4604.[17] MACHINE-READABLE DOCUMENT BORDER SECURITY PROGRAM.

(a) Requirement To Develop Program.—(1) The Department of State, the United States Customs Service, and the Immigration and Naturalization Service shall develop a comprehensive machine-readable travel and identity document border security program that will improve border entry and departure control through automated data capture of machine-readable travel and identity documents.

(2) Within 60 days after the date of enactment of this Act, the Department of State, the Customs Service, and the Immigration and Naturalization Service shall jointly submit a detailed implementation plan to the Congress and the President regarding how they intend to carry out the program required by this section.

(3) The border security program required by this section shall include an integrated cooperative data exchange system that will incorporate law enforcement data on narcotics traffickers, terrorists, convicted criminals, fugitives, and others currently documented in the Lookout Systems of all three agencies and departments.

(4) In developing the border security program mandated in this section, the agencies and departments shall ensure that at least the following documents shall be integrated into the program and be machine-readable: border crossing cards; alien registration; pilots licenses; passports; and visas.

(b) Agencies That Will Contribute Law Enforcement Data for the System.—The following agencies and organizations shall contribute appropriate law enforcement data to the integrated cooperative data exchange system mandated in this section and shall update such information into the system on no less than a monthly basis:

(1) The Drug Enforcement Administration.
(2) The Federal Bureau of Investigation.
(3) The Bureau of Alcohol, Tobacco, and Firearms.
(4) The Internal Revenue Service.
(5) The Federal Aviation Administration.

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[16] Secs. 4602 and 4603 amended secs. 36(g), 42, and 43 of the State Department Basic Authorities Act of 1956.

[17] 8 U.S.C. 1103 note.

(6) The United States Marshals Service.

(7) The United States Coast Guard.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $23,000,000 for fiscal year 1989 for the development, procurement, and implementation of a machine-readable travel and identity document border security program. Of this amount $7,000,000 shall be available only for the United States Customs Service, $7,000,000 shall be available only for the Immigration and Naturalization Service, and $9,000,000 shall be available only for the Department of State to carry out the provisions of this section.

(2) The amounts authorized by paragraph (1) are in addition to other amounts authorized to be appropriated for fiscal year 1989.

(d) CONTINUING FULL IMPLEMENTATION REQUIRED.—All agencies participating in the development and implementation of the border security program and systems mandated in this section shall maintain their participation and contributions to the program and systems authorized under this section at full implementation levels in fiscal years 1990, 1991, and 1992, subject to the availability of appropriations.

SEC. 4605.[18] EXTRADITION AND MUTUAL LEGAL ASSISTANCE TREATIES AND MODEL COMPREHENSIVE ANTIDRUG LAWS.

(a) FINDINGS.—The Congress finds that—

(1) section 133 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (enacted August 16, 1985), directed the Secretary of State to increase United States efforts to negotiate updated extradition treaties relating to narcotics offenses with each major drug-producing country;

(2) section 803 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (enacted December 22, 1987) directed the Secretary of State to ensure that an objective of the United States diplomatic mission in each major illicit drug producing or major drug-transit country be to ensure that drug traffickers can be extradited to the United States; and

(3) although some progress has been made pursuant to these directives in increasing international law enforcement cooperation with respect to illicit drug production and trafficking, much greater international law enforcement cooperation is required in combating the illicit drug problem.

(b) GREATER EMPHASIS REQUIRED.—Therefore, the Congress directs the Secretary of State to place greater emphasis on updating extradition treaties, and on negotiating mutual legal assistance treaties, with major illicit drug producing countries and major drug-transit countries.

(c) MODEL TREATIES AND ANTIDRUG LAWS.—The Secretary of State and the Attorney General shall jointly develop a model extradition treaty with respect to narcotics-related violations (including extradition of host country nationals), a model mutual legal assistance treaty, and model comprehensive anti-narcotics legislation. The Secretary of State shall distribute such treaties and legislation to each United States mission abroad.

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[18] 18 U.S.C. 3181 note.

(d) Report to Congress.—The Secretary of State shall report to the Congress, not later than six months after the date of enactment of this Act, on actions taken to carry out this section.

SEC. 4606. OVERSEAS INVESTIGATIVE PROGRAM.

It is the sense of the Congress that Regional Security Officers and other security personnel at United States embassies and other civilian posts abroad should be directed to expand their investigative activities with respect to illicit drug use and trafficking by United States Government personnel and their dependents.

SEC. 4607. ASSIGNMENT OF MORE DRUG ENFORCEMENT ADMINISTRATION AGENTS TO UNITED STATES EMBASSIES.

The Congress urges the Secretary of State to permit the assignment of additional Drug Enforcement Administration agents to United States diplomatic missions in those foreign countries where illicit narcotics production or trafficking is, or is likely to become, a significant problem.

Subtitle H—International Banking Matters

SEC. 4701.[19] INTERNATIONAL CURRENCY TRANSACTION REPORTING.

(a) Findings.—The Congress finds that—

(1) the success of cash transaction and money laundering control statutes in the United States has been significant; and

(2) the United States should play a leadership role in the development of an international system of a similar kind.

(b) Purpose.—It is the purpose of this section to urge the United States Government, to the maximum extent practicable, to seek the active cooperation of other countries in the enforcement of these statutes, since only a truly multilateral approach can be effective in eliminating bank haven loopholes through which money launderers can escape.

(c) Establishment of International Agency.—The Congress urges the Secretary of the Treasury to negotiate with finance ministers of foreign countries to establish an international currency control agency to—

(1) serve as a central source of information and database for international drug enforcement agencies;

(2) collect and analyze currency transaction reports filed by member countries; and

(3) encourage the adoption, by member countries, of uniform cash transaction and money laundering statutes.

(d) Maintenance of Domestic Effort.—While establishing a multilateral agency will be the most effective method of combating money laundering, the United States must itself continue to do everything it can to curb international money laundering.

SEC. 4702.[20] RESTRICTIONS ON LAUNDERING OF UNITED STATES CURRENCY.

(a) Findings.—The Congress finds that international currency transactions, especially in United States currency, that involve the proceeds of narcotics trafficking fuel trade in narcotics in the United States and worldwide and consequently are a threat to the national security of the United States.

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[19] 31 U.S.C. 5311 note.

[20] 31 U.S.C. 5311 note.

(b) PURPOSE.—The purpose of this section is to provide for international negotiations that would expand access to information on transactions involving large amounts of United States currency wherever those transactions occur worldwide.

(c) NEGOTIATIONS.—(1) The Secretary of the Treasury (hereinafter in this section referred to as the "Secretary") shall enter into negotiations with the appropriate financial supervisory agencies and other officials of any foreign country the financial institutions of which do business in United States currency. Highest priority shall be attached to countries whose financial institutions the Secretary determines, in consultation with the Attorney General and the Director of National Drug Control Policy, may be engaging in currency transactions involving the proceeds of international narcotics trafficking, particularly United States currency derived from drug sales in the United States.

(2) The purposes of negotiations under this subsection are—

(A) to reach one or more international agreements to ensure that foreign banks and other financial institutions maintain adequate records of large United States currency transactions, and

(B) to establish a mechanism whereby such records may be made available to United States law enforcement officials.

In carrying out such negotiations, the Secretary should seek to enter into and further cooperative efforts, voluntary information exchanges, the use of letters rogatory, and mutual legal assistance treaties.

(d) REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit an interim report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on progress in the negotiations under subsection (c). Not later than 2 years after such enactment, the Secretary shall submit a final report to such Committees and the President on the outcome of those negotiations and shall identify, in consultation with the Attorney General and the Director of National Drug Control Policy, countries—

(1) with respect to which the Secretary determines there is evidence that the financial institutions in such countries are engaging in currency transactions involving the proceeds of international narcotics trafficking; and

(2) which have not reached agreement with United States authorities on a mechanism for exchanging adequate records on international currency transactions in connection with narcotics investigations and proceedings.

(e) AUTHORITY.—If after receiving the advice of the Secretary and in any case at the time of receipt of the Secretary's report, the Secretary determines that a foreign country—

(1) has jurisdiction over financial institutions that are substantially engaging in currency transactions that effect the United States involving the proceeds of international narcotics trafficking;

(2) such country has not reached agreement on a mechanism for exchanging adequate records on international currency transactions in connection with narcotics investigations and proceedings; and

(3) such country is not negotiating in good faith to reach such an agreement,

the President shall impose appropriate penalties and sanctions, including temporarily or permanently—

(1) prohibiting such persons, institutions or other entities in such countries from participating in any United States dollar clearing or wire transfer system; and

(2) prohibiting such persons, institutions or entities in such countries from maintaining an account with any bank or other financial institution chartered under the laws of the United States or any State.

Any penalties or sanctions so imposed may be delayed or waived upon certification of the President to the Congress that it is in the national interest to do so. Financial institutions in such countries that maintain adequate records shall be exempt from such penalties and sanctions.

(f) DEFINITIONS.—For the purposes of this section—

(1) The term "United States currency" means Federal Reserve Notes and United States coins.

(2) The term "adequate records" means records of United States' currency transactions in excess of $10,000 including the identification of the person initiating the transaction, the person's business or occupation, and the account or accounts affected by the transaction, or other records of comparable effect.

(g) SUNSET.—The authority given the President in subsection (e) shall expire on June 30, 1994.

SEC. 4703. EXPORT-IMPORT BANK FINANCING FOR SALES OF DEFENSE ARTICLES AND SERVICES FOR ANTI-NARCOTICS PURPOSES.[21] * * *

Subtitle I—Miscellaneous Provisions

SEC. 4801. INTELLIGENCE COMMUNITY ACTIONS DIRECTED AT ILLICIT INTERNATIONAL DRUG TRAFFICKING.

It is the sense of the Congress that, given the magnitude of the illicit drug problem and the threat it poses to the national security of the United States, agencies of the intelligence community should be more actively involved in the effort to combat illicit international drug trafficking.

SEC. 4802. CORRECTION OF TECHNICAL ERRORS IN PRIOR ACTS.[22] * * *

SEC. 4803.[23] RESOURCES FOR CERTAIN DRUG CONTROL ACTIVITIES.

(a) FINDINGS.—The Congress finds that—

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[21] Sec. 4703 amended sec. 2(b)(6) and added new text at the end of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)).

[22] Sec. 4802 made technical corrections in sec. 2015(b)(1) of the Anti-Drug Abuse Act of 1986, and in sec. 481(i)(4)(vi) of the Foreign Assistance Act of 1961.

[23] 21 U.S.C. 1502 note.

(1) there has been a severe, cancer-like growth of youth gangs who abuse, transport, and traffic in illegal drugs;

(2) such youth gangs engage in acts of violence, often on a random basis, resulting in death or serious bodily injury to thousands of people, as well as terrorizing tens of thousands of others;

(3) such youth gangs have spread their activities from southern California to more than 50 cities throughout the United States, thereby clearly indicating that the threat posed by these gangs is national in nature, requiring a strong Federal response;

(4) stopping drugs at the source is one of the critical elements of our Government's war on drugs; and

(5) the Airwing Operations of the Bureau of International Narcotics Matters in the Department of State is an important tool of our Government's policy against narcotics trafficking.

(b) REVIEW.—It is, therefore, the sense of the Congress that the Director of National Drug Control Policy should review the entire drug control problem to determine priorities for new resources or shifting of existing resources, giving particular attention to—

(1) planning for and assistance to the Airwing Operations of the Bureau of International Narcotics Matters in the Department of State; and

(2) assistance to control the present and growing threat posed to the Nation by youth gangs which traffic in illegal drugs.

(c) ADDITIONAL RESOURCES.—Based upon his findings, the Director of National Drug Control Policy should consider, as necessary, recommending significant resources in addition to those specifically allocated in this Act.

SEC. 4804. CONSISTENCY WITH INTERNATIONAL OBLIGATIONS OF THE UNITED STATES.

(a) In prescribing regulations under subtitle D of title V of this Act,[24] the head of the appropriate agency—

(1) shall only establish requirements that are consistent with the international obligations of the United States, and

(2) shall take into consideration any applicable laws and regulations of foreign countries.

(b) Section 5152 shall not be construed as conferring extraterritorial application of the provisions of such section.

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[24] Subtitle D of title V of this Act was cited as the "Drug-Free Workplace Act of 1988". Sec. 5152 outlined "Drug-Free Workplace Requirements for Federal Contractors". See 102 Stat. 4304, 41 U.S.C. 701.

H. Immigration Legislation

Immigration Reform and Control Act of 1986, (Public Law 99-603, November 6, 1986)

Summary of Legislation

I. CONTROL OF ILLEGAL IMMIGRATION

A. Employer sanctions

Makes it unlawful for any person, knowingly to hire for employment or to recruit or refer for a fee, after the date of enactment, any alien not authorized to work in the United States.

Requires employers to verify *all* new hires by examining either (1) a U.S. passport, or (2) a U.S. birth certificate or social security card *and* a driver's license, state issued I.D. card, or an alien identification document. Requires each employer to attest in writing under penalty of perjury, that he has seen the documentation mentioned above. Requires the employee to attest in writing that he is authorized to work in the U.S.

States that nothing in the bill directly or indirectly authorizes the creation of a national identification card.

Permits the President to implement a more secure verification system upon notice and approval of Congress. Directs the appropriate agencies to study the feasibility of a telephone verification system for employment eligibility.

Establishes employer sanction penalties as follows:

First Offense.—A civil fine of not less than $250 nor more than $2,000 per each alien involved;

Second Offense.—A civil fine of not less than $2,000 nor more than $5,000 per each alien involved;

Third Offense.—A civil fine of not less than $3,000 nor more than $10,000 per each alien involved.

Authorizes criminal penalties for up to six months imprisonment and/or $3,000 fine for "pattern or practice" violations.

Provides a six-month education period during which no enforcement actions may be taken. During the subsequent 12-month period a warning citation will be issued for first offenses.

Requires employers, referrers and recruiters to keep records and establishes a civil fine of not less than $100 and no more than $1,000 for failure to keep records.

Establishes an affirmative defense for all employers who comply in good faith with the verification procedure.

*Source: Committee Print, The "Immigration Reform and Control Act of 1986 (P.L. 99-603): A Summary and Explanation, Committee on the Judiciary, House of Representatives, 99th Congress, Second Session, December, 1986

Relieves employers from verification when a state employment agency has verified worker and the worker retains a certification of such verification.

Terminates sanctions after three years if the Comptroller General has determined that sanctions have resulted in discrimination in employment or have unduly burdened employers and Congress enacts a joint resolution adopting that determination.

B. Anti-discrimination measures

Creates the Office of Special Counsel in the Justice Department for the purpose of investigating and prosecuting any charges of discrimination due to an unlawful immigration-related employment practice.

Prohibits discrimination based on citizenship or alien status if the person alleging discrimination is a U.S. citizen or permanent resident alien, refugee, asylee or newly legalized alien, who has filed a notice of intent to become a U.S citizen.

Exempts employers of three or fewer from coverage.

Terminates measures if employer sanctions are terminated or if Congress enacts a joint resolution to terminate.

C. Increased enforcement and service

Provides a two-year authorization for the INS to carry out its added responsibilities resulting from passage of this bill: $422 million extra in FY 1987 and $419 million extra in FY 1988. Also authorizes $12 million and $15 million for The Executive Office for Immigration Review for fiscal years 1987 and 1988 respectively, to carry out the added duties imposed by this bill. Authorizes supplemental authorization for wage and hour enforcement.

Revises criminal penalties for the unlawful transportation of aliens to the U.S.

Authorizes a contingency fund of $35 million for use in immigration emergencies.

Requires the Attorney General to establish an in-service training program and community outreach program within the INS through the establishment of community task forces.

Requires states to verify the status of non-citizens applying for public assistance and reimburses the states 100% for the implementation costs of this provision. Permits appropriate Secretaries to waive programs from coverage.

Revises the liability of international bridge owners.

Requires a search warrant for INS officers to enter outdoor agricultural operations for immigration law purposes.

II. LEGALIZATION

A. Eligible aliens

Provides temporary resident status for aliens who have continuously resided in the U.S. since before January 1, 1982 and who are not excludable.

Provides for adjustment to permanent resident status after eighteen months in temporary status if an individual can show minimal understanding of English and knowledge of history and government of the U.S. or is pursuing instruction to achieve that understanding and knowledge.

Federally funded public assistance (other than emergency medical care, aid to aged, blind, or disabled, and for serious injury or in the interest of public health) will not be available to newly legalized aliens for five years (other than "Cuban/Haitian entrants").

Provides for adjustment to permanent resident status for certain Cubans and Haitians who entered the United States prior to January 1, 1982.

B. Procedures

Provides for administrative and judicial review of a denial of an application for legilization.

Ensures confidentiality of records by prohibiting use of information contained in an application for any purpose other than determining the merits of the applications or whether fraud is involved.

C. Registry date

Updates the registry date from 1948 to January 1, 1972.

D. Assistance to States

Provides $1 billion a year for four years to state and local governments for assistance for the public assistance, health, and education costs resulting from legalization.

Reimburses states for the costs of incarcerating certain aliens.

III. LEGAL IMMIGRATION

A. H-2 workers

Special procedure established for H-2 seasonal workers in agriculture:

The employer must apply to the Secretary of Labor no more than 60 days in advance of need, asking for foreign workers; employer then must attempt to recruit domestic workers;

The Secretary of Labor must provide a decision on the certification no later than 20 days in advance of need;

If the Secretary of Labor determines that a certain number of qualified U.S. workers will be available at the time needed, but at the determined time those workers are not qualified and available, an expedited procedure to determine need would be available.

H-2 agricultural workers guaranteed certain benefits such as housing and worker compensation (to be provided by the employer if not available under a state program), and travel and subsistence costs.

H-2 workers can access legal services only for representation concerning work-related matters.

B. Seasonal agricultural workers

Provides temporary resident status to aliens who have worked at least 90 days in agriculture during the period May 1, 1985 through May 1, 1986. Aliens who have worked 90 days a year for three years may adjust to permanent resident status one year after the end of the application period. Aliens who have worked 90 days a year during May, 1985 to May, 1986 may adjust to permanent resident status two years after the end of the application period.

Disqualifies workers from AFDC for five years.

Allows replenishment workers to enter as temporary residents as long as they work at least 90 days in agriculture each year for three years in the event of an agriculture labor shortage. Workers can adjust to permanent residence after three years of temporary status. Workers are disqualified from most forms of public assistance.

Terminates the replenishment worker mechanism seven years after enactment.

C. Colonial quotas

Increases legal immigration ceilings for colonies to 5,000 from the present 600.

D. G-4's

Provides immigration benefits to dependents and spouses of G-4 visa holders and retired G-4 visa holders.

E. Visa waiver pilot program

Establishes a nonimmigrant visa waiver pilot program for nationals of certain countries.

IV. MISCELLANEOUS

A. Putative fathers

Recognizes, for preference petitioning purposes, the relationship between a biological father and his illegitimate child.

B. Suspension of deportation

States that brief, casual and innocent trips outside the U.S. shall not be deemed to have broken an alien's continuous physical presence in the U.S. for purposes of meeting the requirements for suspension of deportation.

C. Sense of Congress

States the Sense of Congress that political prisoners from Cuba should be admitted to the United States, notwithstanding any other provision of law.

D. Nonpreference immigrants

Makes additional visas available for certain nonpreference immigrants.

E. Deportation of aliens

Requires the expeditious deportation of convicted aliens and a list of facilities available to incarcerate deportable or excludable aliens.

V. REPORTS

Requires President to submit (1) comprehensive triennial reports on legal immigration; (2) two reports on the legalization program; and (3) three reports on employer sanctions.

Requires Administration to submit reports on the H-2 program every two years.

Requires Administration to submit reports on the visa waiver pilot program.

Requires the Attorney General to report to Congress on resources required to improve the capabilities of the Immigration Service.

States a Sense of Congress that Mexico should be consulted on the implementation of the legislation.

VI. COMMISSIONS

Establishes a commission for the Study of International Migration and Cooperative Economic Development.

Establishes a Commission on Agricultural Workers.

Title VI of the Immigration Reform and Control Act of 1986

Partial text of Public Law 99–603 [S. 1200], 100 Stat. 5649, approved November 5, 1986

An Act to amend the Immigration and Nationality Act to revise and reform the immigration laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE VI—COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

SEC. 601.[1] COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1)There is established a Commission for the Study of International Migration and Cooperative Economic Development (in this section referred to as the "Commission"), to be composed of twelve members—

(A) three members to be appointed by the Speaker of the House of Representatives;

(B) three members to be appointed by the Minority Leader of the House of Representatives;

(C) three members to be appointed by the Majority Leader of the Senate; and

(D) three members to be appointed by the Minority Leader of the Senate.

(2) Members shall be appointed for the life of the Commission. Appointments to the Commission shall be made within 90 days after the date of the enactment of this Act. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) A majority of the members of the Commission shall elect a Chairman.

(b) DUTY OF COMMISSION.—The Commission, in consultation with the governments of Mexico and other sending countries in the Western Hemisphere, shall examine the conditions in Mexico and such other sending countries which contribute to unauthorized migration to the United States and mutually beneficial, reciprocal trade and investment programs to alleviate such conditions. For purposes of this section, the term "sending country" means a foreign country a substantial number of whose nationals migrate to, or remain in, the United States without authorization.

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[1] 8 U.S.C. 1101 note.

(c) REPORT TO THE PRESIDENT AND CONGRESS.—Not later than three years after the appointment of the members of the Commission, the Commission shall prepare and transmit to the President and to the Congress a report describing the results of the Commission's examination and recommending steps to provide mutually beneficial reciprocal trade and investment programs to alleviate conditions leading to unauthorized migration to the United States.

(d) COMPENSATION OF MEMBERS, MEETINGS, STAFF, AUTHORITY OF COMMISSION, AND AUTHORIZATION OF APPROPRIATIONS.—(1) The provisions of subsections (d), (e)(3), (f), (g), and (h) of section 304 shall apply to the Commission in the same manner as they apply to the Commission established under section 304.[2] Not more than 1 percent of the amounts appropriated for the Commission may be used, at the sole discretion of the Chairman, for official entertainment.[3]

(2) Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) TERMINATION DATE.—The Commission shall terminate on the date on which a report is required to be transmitted by subsection (c), except that the Commission may continue to function for not more than thirty days thereafter for the purpose of concluding its activities.

NOTE.—Title V of sec. 101(a) of Public Law 100-202 [Continuing Appropriations Act, 1988], 101 Stat. 1329 provides the following for fiscal year 1988:

COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Commission for the Study of International Migration and Cooperative Economic Development as authorized by title VI of Public Law 99-603, $870,000, to remain available until expended.

I. Western Hemishpere--Conditions Under Most Recent Foreign Aid Authorization International Security and Development Cooperation Act of 1985 (P.L. 99-83, August 8, 1985)

Title VII: Sec. 709, Sec. 710, Sec. 713, Sec. 714, Sec. 716, and Sec. 719

SEC. 709. COMPREHENSIVE REPORTS ON ASSISTANCE FOR LATIN AMERICA AND THE CARIBBEAN.

(a) REQUIREMENT FOR COMPREHENSIVE ACCOUNTING OF ASSISTANCE.—In the annual reports required by section 634 of the Foreign Assistance Act of 1961, the President shall provide to the Congress a full, complete, and detailed accounting of all assistance provided during the fiscal years 1986 and 1987 for Latin America and

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[2] Sec. 304 established a Commission on Agricultural Workers.

the Caribbean under the Foreign Assistance Act of 1961 and the Arms Export Control Act.

(b) INFORMATION TO BE INCLUDED.—The report provided pursuant to subsection (a) shall include for each fiscal year, among other things, the following with respect to each authorization account:

(1) The specific projects and other activities carried out in each country.

(2) The number of persons from each country who were provided with training, and the types of training provided.

(3) The defense articles and defense services provided for each country.

(4) The types of goods and commodities provided to each country for economic stabilization purposes under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), and a copy of each agreement for the furnishing of any assistance under that chapter.

(5) The amounts of local currency generated by United States assistance to each country, the uses of those currencies, and the total amount of those currencies still available for use as of the time of the report.

(6) A report on any transfers or reprogrammings of funds, and a description of how transferred or reprogrammed funds modified the amounts requested for each account.

(7) A report on the funds which have been obligated but remain unexpended for each country in each account.

(8) An analysis of the amount of funds and programs provided through nongovernmental as contrasted to governmental channels.

SEC. 710. USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS.

To the maximum extent practicable, assistance under chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 for countries in Latin America and the Caribbean should be provided through private and voluntary organizations which have a proven record of development assistance efforts overseas.

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SEC. 713. USE OF EMPLOYEE STOCK OWNERSHIP PLANS IN DEVELOPMENT EFFORTS.

(a) FINDINGS.—The Congress declares that—

(1) employee stock ownership plans in industrial, farming, banking, and other enterprises in Central America and the Caribbean can be an important component in achieving United States goals in Central America and the Caribbean; and

(2) employee stock ownership plans should be used as an instrument in financing growth and transfers of equity in the region, in reorganizing state-owned enterprises into viable employee-owned businesses, in expanding political and economic pluralism, and in strengthening democratic institutions in the region.

(b) PLAN FOR EXPANDED USE OF ESOPS.—The President is urged to develop a plan for the expanded use of employee stock ownership plans in development efforts of the United States in Central America and the Caribbean, with an emphasis on policy and infrastructural changes needed to encourage voluntary employee stock ownership initiatives by multinational corporations and other private sector enterprises which have investments, are considering making new investments, or are interested in management contracts and joint ventures in the region.

(c) TASK FORCE.—To assist in this effort, there is established a Presidential Task Force on Project Economic Justice (hereafter in this section referred to as the "Task Force"), which shall consist of individuals appointed by the President who are distinguished leaders of the private sector of the United States, including significant representation of union representatives of workers in successful companies with employee stock ownership plans and of nationally recognized experts in all phases of design, implementation, and operation of employee stock ownership plans. The President shall designate one of the members of the Task Force to serve as Chairman. The Chairman of the Task Force shall appoint a volunteer fundraising committee, and all the expenses of the Task Force shall be paid without the use of public funds.

(d) REPORT.—Not later than December 31, 1985, the Task Force shall prepare and transmit to the President and the Congress a report on the expanded use of employee stock ownership plans in the development efforts of the United States in Central America and the Caribbean, including specific recommendations on strategies for using employee stock ownership plans as a means of accelerating the rate of private sector capital formation in Central America and the Caribbean that is systematically linked to expanding ownership and profit-sharing opportunities for all employees.

SEC. 714. INTERNATIONAL ADVISORY COMMISSION FOR THE CARIBBEAN REGION.

(a) FINDINGS.—The Congress finds that—

(1) many of the social, agricultural, educational, and economic problems which confront nations in the Caribbean Region result primarily from social and economic injustice and inadequate economic and agricultural development;

(2) such problems are not addressed sufficiently by current United States policies toward that region;

(3) the development of the Caribbean Region is of vital importance to the economic and strategic interests of the United States and its allies; and

(4) for purposes of defining development plans, providing an international forum for Caribbean Region development issues, and providing expert advice to donor-aid countries, an international commission is needed as the prime institution for promoting economic cooperation and development in the Caribbean Region.

(b) INVITATIONS TO PARTICIPATE IN COMMISSION.—

(1) INVITATION TO CARIBBEAN COUNTRIES.—The President may invite the countries which comprise the Caribbean Region to participate with the United States in a commission to be known as the International Advisory Commission for the Car-

ibbean Region (hereafter in this section referred to as the "Commission").

(2) INVITATION TO CERTAIN OTHER COUNTRIES.—The President may also invite the Netherlands, the United Kingdom, France, Canada, the Commonwealth of Puerto Rico, and the Virgin Islands to participate in the Commission.

(c) FUNCTIONS OF COMMISSION.—It is the sense of the Congress that the Commission should—

(1) examine social, agricultural, educational, and economic issues which affect the Caribbean Region; and

(2) consult with leaders of the countries in the Caribbean Region and with representatives from public and private organizations involved in matters related to the Caribbean Region in order to evaluate the problems and needs of such countries.

(d) FUNDING FOR ORGANIZATIONAL MEETING OF COMMISSION.—Of the funds authorized to be appropriated to carry out section 106 of the Foreign Assistance Act of 1961 (relating to development assistance for energy, private and voluntary organizations, and selected development activities), up to a total of $100,000 for fiscal years 1986 and 1987 may be made available to—

(1) pay reasonable administrative expenses associated with the organizational meeting of the Commission; and

(2) pay reasonable travel and lodging expenses incurred by commissioners from other participant governments incident to their attendance at the organizational meeting of the Commission.

(e) REQUEST TO CONGRESS RELATING TO UNITED STATES PARTICIPATION IN THE COMMISSION.—The President should provide cost estimates and request authorization from the Congress in order to provide for the participation of the United States in the Commission (other than United States participation associated with the organizational meeting).

(f) APPOINTMENT OF UNITED STATES REPRESENTATIVE AND OBSERVERS.—Upon the creation of the Commission—

(1) the President should consider appointing one individual as the United States representative to the Commission;

(2) the Speaker of the House of Representatives should consider appointing two Members of the House, one from each major political party, as observers at the Commission; and

(3) the majority leader of the Senate should consider appointing two Members of the Senate, one from each major political party, as observers at the Commission.

SEC. 715.* * *

SEC. 716. RURAL ELECTRIFICATION.

It is the sense of the Congress that funds appropriated for the fiscal years 1986 and 1987 under section 103(a)(2) of the Foreign Assistance Act of 1961 (relating to development assistance for agriculture, rural development, and nutrition) should be used for a comprehensive rural electrification program in Central America in order to establish conditions of stability and a foundation for economic development.

SEC. 719. REPORTS ON FOREIGN DEBT IN LATIN AMERICA.

(a) FINDINGS.—The Congress finds that—

(1) the foreign debt of Latin American countries has soared from $27,000,000,000 in 1970 to over $350,000,000,000 in 1983;

(2) the foreign debt of Latin American countries is a serious obstacle to their economic progress, threatens their stability, and endangers the democratic processes in those nations;

(3) the economic and political futures of many of the Latin American countries hang in the balance and depend upon a successful resolution of the foreign debt crisis; and

(4) the confidence of the American people in the United States system of banking is also involved in a successful resolution of the foreign debt crisis.

(b) REPORT.—Not later than January 1, 1986, the Secretary of State shall prepare and transmit to the Congress a report on—

(1) the magnitude of the foreign debt crisis in the Western Hemisphere;

(2) the impact of the foreign debt crisis on the economies of the countries of Latin America;

(3) the degree to which the national security interests of the United States are implicated in this crisis;

(4) the steps being taken and the policy being pursued by the United States aimed at dealing with this crisis;

(5) the degree to which the foreign debt crisis affects the system of banking in the United States; and

(6) the steps being taken and the policy being pursued by the United States Government aimed at dealing with this crisis.

J. Selected Trade Legislation

1. Trade Act of 1974, (Public Law 93-618, January 3, 1975), as amended by the Generalized System of Preferences Renewal Act of 1984 (Public Law 98-573, October 30, 1984)
Title V: Generalized System of Preferences (GSP)

TITLE V—GENERALIZED SYSTEM OF PREFERENCES

SEC. 501.[170] AUTHORITY TO EXTEND PREFERENCES.

The President may provide duty-free treatment for any eligible article from any beneficiary developing country in accordance with the provisions of this title. In taking any such action, the President shall have due regard for—

(1) the effect such action will have on furthering the economic development of developing countries through the expansion of their exports; [171]

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[170] 19 U.S.C. 2461.

[171] Sec. 502 of the Generalized System of Preferences Renewal Act of 1984 (title V of Public Law 98–573; 98 Stat. 3018) amended sec. 501 by adding the words "through the expansion of their exports" at the end of par. (1) and by adding a new par. (4), effective Jan. 4, 1985.

(2) the extent to which other major developed countries are undertaking a comparable effort to assist developing countries by granting generalized preferences with respect to imports of products of such countries;

(3) the anticipated impact of such action on United States producers of like or directly competitive products; and

(4) [171] the extent of the beneficiary developing country's competitiveness with respect to eligible articles.

SEC. 502.[172] BENEFICIARY DEVELOPING COUNTRY.

(a)(1) For purposes of this title, the term "beneficiary developing country" means any country with respect to which there is in effect an Executive order or Presidential proclamation [173] by the President of the United States designating such country as a beneficiary developing country for purposes of this title. Before the President designates any country as a beneficiary developing country for purposes of this title, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(2) If the President has designated any country as a beneficiary developing country for purposes of this title, he shall not terminate such designation (either by issuing an Executive order or Presidential proclamation [173] for that purpose or by issuing an Executive order or Presidential proclamation [173] which has the effect of terminating such designation) unless, at least 60 days before such termination, he has notified the House of Representatives and the Senate and has notified such country of his intention to terminate such designation, together with the consideration entering into such decision.

(3) For purposes of this title, the term "country" means any foreign country, any overseas dependent territory or possession of a foreign country, or the Trust Territory of the Pacific Islands. In the case of an association of countries which is a free trade area or customs union, or which is contributing to comprehensive regional economic integration among its members through appropriate means, including, but not limited to, the reduction of duties,[174] the President may by Executive order or Presidential proclamation [173] provide that all members of such association other than members which are barred from designation under subsection (b) shall be treated as one country for purposes of this title.

(4)[175] For purposes of this title, the term "internationally recognized worker rights" includes—

(A) the right of association;

(B) the right to organize and bargain collectively;

(C) a prohibition on the use of any form of forced or compulsory labor;

(D) a minimum age for the employment of children; and

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[172] 19 U.S.C. 2462.

[173] Sec. 8(b)(2) of Public Law 99-47 (the United States-Israel Free Trade Area Implementation Act of 1985; 99 Stat. 85) added the words "or Presidential proclamation" after the words "Executive order" each time they appeared in Title V.

[174] The words to this point beginning with "or which is contributing to" were added by sec. 1111(a)(1) of Public Law 96-39 (Trade Agreements Act of 1979; 93 Stat. 315).

[175] Sec. 503(a) of the Generalized System of Preferences Renewal Act of 1984 (title V of Public Law 98-573; 98 Stat. 3019) added par. (4), effective Jan. 4, 1985.

(E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(b) No designation shall be made under this section with respect to any of the following: [176]

Australia
Austria
Canada
Czechoslovakia
European Economic Community member states
Finland
Germany (East)
Iceland
Japan
Monaco
New Zealand
Norway
Poland
Republic of South Africa
Sweden
Switzerland
Union of Soviet Socialist Republics

In addition, the President shall not designate any country a beneficiary developing country under this section—

(1) if such country is a Communist country, unless (A) the products of such country receive nondiscriminatory treatment, (B) such country is a contracting party to the General Agreement on Tariffs and Trade and a member of the International Monetary Fund, and (C) such country is not dominated or controlled by international communism;

(2) if such country is a member of the Organization of Petroleum Exporting Countries, or a party to any other arrangement of foreign countries, and such country participates in any action pursuant to such arrangement the effect of which is to withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level which causes serious disruptions of the world economy;

(3) if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurance satisfactory to him that such preferential treatment will be eliminated before January 1, 1976, or that action will be taken before January 1, 1976, to assure that there will be no such significant adverse effect, and he reports those assurances to the Congress;

(4) if such country—

(A) [177] has nationalized, expropriated, or otherwise seized ownership or control of property, including patents, trademarks, or copyrights owned by a United States citizen or by a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens,

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[176] Sec. 503(b) of the Generalized System of Preferences Renewal Act of 1984 (title V of Public Law 98–573; 98 Stat. 3019) struck out Hungary from the list below, effective Jan. 4, 1985.

[177] Sec. 1887(a)(5) of Public Law 99–514 (100 Stat. 2923) amended sec. 502(b)(4) by adding punctuation in subpars. (A) and (B) and slightly reordering the language in subpar. (C). Previously, subpar (C) read as follows:

"(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, including patents, trademarks, or copyrights,".

(B) has taken steps to repudiate or nullify an existing contract or agreement with a United States citizen or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property, including patents, trademarks, or copyrights so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property, including patents, trademarks, or copyrights, so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property,

unless—

(D) the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and

promptly furnishes a copy of such determination to the Senate and House of Representatives;

(5) [178] if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute;

(6) [178, 179] if such country aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism; and

(7) [178, 180] if such country has not taken or is not taking steps to afford internationally recognized worker rights to

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[178] Sec. 9002(a) of Public Law 99-570 (100 Stat. 3207) deleted former para. (5) and redesignated paragraphs (6), (7) and (8) as (5), (6) and (7).

[179] Par. (6), previously designated as par. (7), was added by sec. 1802 of Public Law 94-455 (90 Stat. 1763).

[180] Par. (7), previously designated as par. (8), was added by sec. 503(b) of the Generalized System of Preferences Renewal Act of 1984 (title V of Public law 98-573; 98 Stat. 3019).

Continued

workers in the country (including any designated zone in that country).

Paragraphs (4), (5), (6), and (7) shall not prevent the designation of any country as a beneficiary developing country under this section if the President determines that such designation will be in the national economic interest of the United States and reports such determination to the Congress with his reasons therefor.

(c) In determining whether to designate any country a beneficiary developing country under this section, the President shall take into account—

(1) an expression by such country of its desire to be so designated;

(2) the level of economic development of such country including its per capita gross national product, the living standards of its inhabitants, and any other economic factors which he deems appropriate;

(3) whether or not the major developed countries are extending generalized preferential tariff treatment to such country;

(4) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country and the extent to which such country has assured the United States that it will refrain from engaging in unreasonable export practices; [181]

(5) [181] the extent to which such country is providing adequate and effective means under its laws for foreign nationals to secure, to exercise, and to enforce exclusive rights in intellectual property, including patents, trademarks, and copyrights;

(6) [181] the extent to which such country has taken action to—

(A) reduce distorting investment practices and policies (including export performance requirements); and

(B) reduce or eliminate barriers to trade in services; and

(7) [181] whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights.

(d) General headnote 3(a) to the Tariff Schedules of the United States (19 U.S.C. 1202) (relating to products of insular possessions) is amended by adding at the end thereof the following new paragraph:

"(iii) Subject to the limitations imposed under sections 503(b) and 504(c) of the Trade Act of 1974, articles designated eligible articles under section 503 of such Act which are imported from an insular possession of the United States shall receive duty treatment no less favorable than the treatment afforded such

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By Presidential Memorandum of January 2, 1987, 52 F.R. 389, GSP eligibility for Paraguay was suspended and Romania and Nicaragua were removed from the list of designated beneficiary developing countries.

[181] Sec. 503(c) of the Generalized System of Preferences Renewal Act of 1984 (title V of Public law 98-573; 98 Stat. 3019) amended subsec. (c) by inserting the final phrase in par. (4) beginning with the words "and the extent to which", and by adding new pars. (5), (6), and (7), effective Jan. 4, 1985.

articles imported from a beneficiary developing country under title V of such Act."

(e)(1) [182] The President may exempt from the application of paragraph (2) of subsection (b) any country during the period during which such country (A) is a party to a bilateral or multilateral trade agreement to which the United States is also a party if such agreement fulfills the negotiating objectives set forth in section 108 of assuring the United States fair and equitable access at reasonable prices to supplies of articles of commerce important to the economic requirements of the United States and (B) is not in violation of such agreement by action denying the United States such fair and equitable access.

(2) [182] The President may exempt from the application of paragraph (2) of subsection (b) any country that enters into a bilateral product-specific trade agreement with the United States under section 101 or 102 of the Trade Act of 1974 before January 3, 1980. The President shall terminate the exemption granted to any country under the preceding sentence if that country interrupts or terminates the delivery of supplies of petroleum and petroleum products to the United States.

SEC. 503.[183] ELIGIBLE ARTICLES.

(a) The President shall, from time to time, publish and furnish the International Trade Commission with lists of articles which may be considered for designation as eligible articles for purposes of this title. Before any such list is furnished to the Commission, there shall be in effect an Executive order or Presidential proclamation [173] under section 502 designating beneficiary developing countries. The provisions of sections 131, 132, 133, and 134 of this Act shall be complied with as though action under section 501 were action under section 101 of this Act to carry out a trade agreement entered into under section 101. After receiving the advice of the Commission with respect to the listed articles, the President shall designate those articles he considers appropriate to be eligible articles for purposes of this title by Executive order or Presidential proclamation.[173]

(b) The duty-free treatment provided under section 501 with respect to any eligible article shall apply only—

(1) to an article which is imported directly from a beneficiary developing country into the customs territory of the United States; and

(2) [184] If the sum of (A) the cost or value of the materials produced in the beneficiary developing country or any two or more countries which are members of the same association of countries which is treated as one country under section 502(a)(3), plus (B) the direct costs of processing operations performed in such beneficiary developing country or such member countries is not less than 35 percent of the appraised value of

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[182] The paragraph designation "(1)" and a new par. (2) were added by sec. 1111(a)(2) of Public Law 96-39 (Trade Agreements Act of 1979; 93 Stat. 315).

[183] 19 U.S.C. 2463.

[184] Sec. 1111(a)(3) of Public Law 96-39 (Trade Agreements Act of 1979; 93 Stat. 315) amended and restated par. (2) and struck out the penultimate sentence of subsec. (b). For the most part, this sentence can now be found at sec. 504(c)(3).

such article at the time of its entry into the customs territory of the United States.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this subsection.

(c)(1) The President may not designate any article as an eligible article under subsection (a) if such article is within one of the following categories of import-sensitive articles—

(A) textile and apparel articles which are subject to textile agreements,

(B) [185] watches, except those watches entered after June 30, 1989, that the President specifically determines, after public notice and comment, will not cause material injury to watch or watch band, strap, or bracelet manufacturing and assembly operations in the United States or the United States insular possessions,

(B) watches,

(C) import-sensitive electronic articles,

(D) import-sensitive steel articles,

(E) [186] footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of this title on April 1, 1984,

(F) import-sensitive semimanufactured and manufactured glass products, and

(G) any other articles which the President determines to be import-sensitive in the context of the Generalized System of Preferences.

(2) No article shall be an eligible article for purposes of this title for any period during which such article is the subject of any action proclaimed pursuant to section 203 of this Act or section 232 or 351 of the Trade Expansion Act of 1962.

SEC. 504.[187] LIMITATIONS ON PREFERENTIAL TREATMENT.

(a)(1) [188] The President may withdraw, suspend, or limit the application of the duty-free treatment accorded under section 501 with respect to any article or with respect to any country; except that no rate of duty may be established in respect of any article pursuant to this section other than the rate which would apply but for this title. In taking any other action under this subsection, the President shall consider the factors set forth in sections 501 and 502(c).

(2) [188] The President shall, as necessary, advise the Congress and, by no later than January 4, 1988, submit to the Congress a report on the application of sections 501 and 502(c), and the actions the President has taken to withdraw, to suspend, or to limit the application of duty-free treatment with respect to any country which has failed to adequately take the actions described in section 502(c).

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[185] Sec. 1903 of Public Law 100–418 (Omnibus Trade and Competitiveness Act of 1988; 102 Stat. 1313) added the text following "watches," in sec. 503(c)(1)(B).

[186] Sec. 504(b) of the Generalized System of Preferences Renewal Act of 1984 (title V of Public Law 98–573; 98 Stat. 3020) amended and restated subpar. (E), effective Jan. 4, 1985.

[187] 19 U.S.C. 2464.

[188] Sec. 505(a) of the Generalized System of Preferences Renewal Act of 1984 (title V of Public Law 98–573; 98 Stat. 3020) inserted the paragraph designation "(1)" and added a new par. (2), effective Jan. 4, 1985.

(b) The President shall, after complying with the requirements of section 502(a)(2), withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, he determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 502(b). Such country shall cease to be a beneficiary developing country on the day on which the President issues an Executive order or Presidential proclamation [173] revoking his designation of such country under section 502.

(c) [189] (1) Subject to paragraphs (2) through (7) and subsection (d), whenever the President determines that any country—

(A) has exported (directly or indirectly) to the United States during a calendar year a quantity of an eligible article having an appraised value in excess of an amount which bears the same ratio to $25,000,000 as the gross national product of the United States for the preceding calendar year (as determined by the Department of Commerce) bears to the gross national product of the United States for calendar year 1974; or

(B) has exported (either directly or indirectly) to the United States a quantity of any eligible article equal to or exceeding 50 percent of the appraised value of the total imports of such article into the United States during any calendar year;

then, not later than July 1 of the next calendar year, such country shall not be treated as a beneficiary developing country with respect to such article.

(2)(A) Not later than January 4, 1987, and periodically thereafter, the President shall conduct a general review of eligible articles based on the considerations described in sections 501 or 502(c).

(B) If, after any review under subparagraph (A), the President determines that this subparagraph should apply because a beneficiary developing country has demonstrated a sufficient degree of competitiveness (relative to other beneficiary developing countries) with respect to any eligible article, then paragraph (1) shall be applied to such country with respect to such article by substituting—

(i) "1984" for "1974" in subparagraph (A) and

(ii) "25 percent" for "50 percent" in subparagraph (B).

(3)(A) Not earlier than January 4, 1987, the President may waive the application of this subsection with respect to any eligible article of any beneficiary developing country if, before July 1 of the calendar year beginning after the calendar year for which a determination described in paragraph (1) was made with respect to such eligible article, the President—

(i) receives the advice of the International Trade Commission on whether any industry in the United States is likely to be adversely affected by such waiver,

(ii) determines, based on the considerations described in sections 501 and 502(c) and the advice described in clause (i), that such waiver is in the national economic interest of the United States, and

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[189] Sec. 505(b) of the Generalized System of Preferences Renewal Act of 1984 (title V of Public Law 98-573; 98 Stat. 3020) amended and restated subsecs. (c) and (d), effective Jan. 4, 1985. Previously, subsecs. (c) and (d) had been amended by secs. 1106(g)(3) and 1111(a)(4) of the Trade Agreements Act of 1979 (Public Law 96-39; 93 Stat. 313).

(iii) publishes the determination described in clause (ii) in the Federal Register.

(B) In making any determination under subparagraph (A), the President shall give great weight to—

(i) the extent to which the beneficiary developing country has assured the United States that such country will provide equitable and reasonable access to the markets and basic commodity resources of such country, and

(ii) the extent to which such country provides adequate and effective means under its law for foreign nationals to secure, to exercise, and to enforce exclusive rights in intellectual property, including patent, trademark, and copyright rights.

(C) Any waiver granted pursuant to this paragraph shall remain in effect until the President determines that such waiver is no longer warranted due to changed circumstances.

(D)(i) The President may not exercise the waiver authority provided under subparagraph (A) with respect to a quantity of eligible articles entered in any calendar year which exceeds an aggregate value equal to 30 percent of the total value of all articles which entered duty-free under this title during the preceding calendar year.

(ii) The President may not exercise the waiver authority provided under subparagraph (A) with respect to a quantity of eligible articles entered [190] during any calendar year beginning after 1986 the aggregate value of which exceeds 15 [191] percent of the total value of all articles that have entered duty-free under this title during the preceding calendar year from those beneficiary developing countries which for the preceding calendar year [192]—

(I) had a per capita gross national product (calculated on the basis of the best available information, including that of the World Bank) of $5,000 or more; or

(II) had exported (either directly or indirectly) to the United States a quantity of articles that was duty-free under this title that had an appraised value of more than 10 percent of the total imports of all articles that entered duty free under this title during that year.

(iii) There shall be counted against the limitations imposed under clauses (i) and (ii) for any calendar year only that quantity of any eligible article of any country that—

(I) entered duty-free under this title during such calendar year; and

(II) is in excess of the quantity of that article that would have been so entered during such calendar year if the 1974 limitation applied under paragraph (1)(A) and the 50 percent limitation applied under paragraph (1)(B).

(4) Except in any case to which paragraph (2)(B) applies, the President may waive the application of this subsection if, before July 1 of the calendar year beginning after the calendar year for

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[190] Sec. 1887(a)(6) of Public Law 99-514 (100 Stat. 2923) deleted the words "from any beneficiary developing country" which previously appeared at this point.

[191] Sec. 1887(a)(6) of Public Law 99-514 (100 Stat. 2923) inserted the text to this point beginning with "1986" in lieu of "1984 which exceeds 15".

[192] Sec. 1887(a)(6) of Public Law 99-514 (100 Stat. 2923) inserted the text beginning with "from those beneficiary" in lieu of "if for the preceding calendar year such beneficiary developing country—".

which a determination described in paragraph (1) was made, the President determines and publishes in the Federal Register that, with respect to such country—

(A) there has been an historical preferential trade relationship between the United States and such country,

(B) there is treaty or trade agreement in force covering economic relations between such country and the United States, and

(C) such country does not discriminate against, or impose unjustifiable or unreasonable barriers to, United States commerce.

(5) A country which is no longer treated as a beneficiary developing country with respect to an eligible article by reason of this subsection may be redesignated a beneficiary developing country with respect to such article, subject to the provisions of sections 501 and 502, if imports of such article from such country did not exceed the limitations in paragraph (1) (after application of paragraph (2)) during the preceding calendar year.

(6)(A) This subsection shall not apply to any beneficiary developing country which the President determines, based on the considerations described in sections 501 and 502(c), to be a least-developed beneficiary developing country.

(B) The President shall—

(i) make a determination under subparagraph (A) with respect to each beneficiary developing country before July 4, 1985, and periodically thereafter, and

(ii) notify the Congress at least 60 days before any such determination becomes final,

(7) For purposes of this subsection, the term "country" does not include an association of countries which is treated as one country under section 502(a)(3), but does include a country which is a member of any such association.

(d)(1) Subsection (c)(1)(B) (after application of subsection (c)(2)) shall not apply with respect to any eligible article if a like a or directly competitive article is not produced in the United States on January 3, 1985.

(2) The President may disregard subsection (c)(1)(B) with respect to any eligible article if the appraised value of the total imports of such article into the United States during the preceding calendar year is not in excess of an amount which bears the same ratio to $5,000,000 as the gross national product of the United States for that calendar year (as determined by the Department of Commerce) bears to the gross national product of the United States for calendar year 1979.

(e) No action pursuant to section 501 may affect any tariff duty imposed by the Legislature of Puerto Rico pursuant to section 319 of the Tariff Act of 1930 (19 U.S.C. sec. 1319) on coffee imported into Puerto Rico.

(f)(1) [193] If the President determines that the per capita gross national product (calculated on the basis of the best available information, including that of the World Bank) of any beneficiary developing country for any calendar year (hereafter in this paragraph referred to as the "determination year") after 1984, exceeds an amount which bears the same ratio to $8,500 as 50 percent of the increase of the gross national product of the United States for the preceding calendar year (as determined by the Department of Commerce) bears to the gross national product of the United States for calendar year 1984—

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[193] Sec. 505(c) of the Generalized System of Preferences Renewal Act of 1984 (title V of Public Law 98-573; 98 Stat. 3023) added subsec. (f), effective Jan. 4, 1985.

(A) subsection (c)(1)(B) shall be applied for the 2-year period beginning on July 1 of the calendar year succeeding the determination year by substituting "25 percent" for "50 percent", and

(B) such country shall not be treated as a beneficiary developing country under this title after the close of such 2-year period.

(2)(A) For purposes of this subsection, the term "applicable limit" means the sum of—

(i) $8,500, plus

(ii) 50 percent of the amount determined under subparagraph (B) for the determination year.

(B) The amount determined under this subparagraph for the determination year is an amount equal to—

(i) $8,500 multiplied by

(ii) the percentage determined by dividing—

(I) the excess, if any, of the gross national product of the United States (as determined by the Secretary of Commerce) for the determination year over the gross national product of the United States for 1984, by

(II) the gross national product for 1984.

SEC. 505.[194] TERMINATION OF DUTY-FREE TREATMENT AND REPORTS.

(a) No duty-free treatment provided under this title shall remain in effect after July 4, 1993.

(b) On or before January 4, 1990, the President shall submit to the Congress a full and complete report regarding the operation of this title.

(c) The President shall submit an annual report to the Congress on the status of internationally recognized worker rights within each beneficiary developing country.

SEC. 506.[195] AGRICULTURAL EXPORTS OF BENEFICIARY DEVELOPING COUNTRIES.

The appropriate agencies of the United States shall assist beneficiary developing countries to develop and implement measures designed to assure that the agricultural sectors of their economies are not directed to export markets to the detriment of the production of foodstuffs for their citizenry.

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[194] 19 U.S.C. 2465. Sec. 506(a) of the Generalized System of Preferences Renewal Act of 1984 (title V of Public Law 98-573; 98 Stat. 3023) amended and restated sec. 505, effective Jan. 4, 1985.

[195] 19 U.S.C. 2466. Sec. 507(a) of the Generalized System of Preferences Renewal Act of 1984 (title V of Public Law 98-573; 98 Stat. 3023) added sec. 506, effective Jan. 4, 1985.

2. THE OMNIBUS TRADE AND COMPETETIVENESS ACT OF 1988: AN ANALYSIS OF THE MAJOR TRADE PROVISIONS

CRS Report 88-390E, September 1, 1988

INTRODUCTION*

After more than three years of study and deliberation going back to the 99th Congress, the 100th Congress produced and passed, and the President signed, a major trade bill, the Omnibus Trade and Competitiveness Act of 1988, P.L. 100-418.[1] The trade bill first passed in the House and in the Senate as H.R. 3 but was vetoed by President Reagan for various reasons, most notably, because it included one provision requiring advance notification of plant-closings and another limiting oil exports from Alaskan refineries.[2] The House subsequently voted to override the President's veto, but the Senate voted to sustain the veto.

On July 13, 1988, the House passed (376-45) H.R. 4848, which was H.R. 3 minus the plant-closing and Alaskan oil provisions. The Senate passed (85-11) H.R. 4848 on August 3. The President signed H.R. 4848, P.L. 100-418, on August 23.

H.R. 4848 was the Congress' response to a number of trade and trade-related issues that have emerged over the years:

- -- record-breaking U.S. trade deficits;
- -- American industries facing ever stronger foreign competition and the problems in adjusting to that competition;
- -- the apparent intransigence of U.S. trade partners in dismantling trade barriers and in helping the United States deal with its trade problems;

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* This section was written by William H. Cooper, Analyst in International Trade and Finance.

[1] This report is based on the version of the Omnibus Trade and Competitiveness Act of 1988 signed by the President on August 23, 1988, Public Law 100-418.

[2] The plant-closing provision was passed by the House and Senate as a separate bill and was allowed to become law by the President without his signature. For information on the plant-closing issue see U.S. Library of Congress. Congressional Research Service. Plant Closing Legislation: Economic Dislocation and Worker Adjustment Assistance Act. Issue Brief No. IB87160, by Mary Jane Bolle, April 29, 1988 (continually updated). Washington, 1988.

- -- the reluctance to use Presidential authority in asserting U.S. rights in international trade;
- -- a perceived decline in U.S. industrial competitiveness; and
- -- an increasingly "trade-conscious" voting public.

Although popularly known as the "omnibus trade bill," H.R. 4848, covered a broad range of areas, some of which pertain to trade only indirectly or not at all. For example, it authorized funding for retraining programs for "dislocated" workers who have lost their jobs because of plant closings, layoffs or other disruptions. The bill also provided funding for educational programs as an effort to improve American competitiveness, repealed the "windfall" profits tax on oil sales, and included provisions designed to improve the competitiveness of the United States in high technology industries.

This paper examines the major provisions of P.L. 100-418 that deal directly with U.S. foreign trade and economic policy, specifically, Presidential trade negotiating authority, trade remedy law reform, U.S. international financial policy and LDC debt, export controls, foreign direct investment, export promotion, and trade adjustment assistance. Not covered in this paper, but equally important, are provisions within P.L. 100-418 pertaining to U.S. agricultural trade.[3]

In one sense, Congress took a traditional path in H.R. 4848 in putting its stamp on trade policy. As it has done in the past, Congress reformed the trade laws and trade programs already on the books -- trade remedy statutes, export promotion programs, export control laws, and negotiating authority. In so doing, the Congress reshaped trade policy but did so within a framework that has withstood the test of time and the scrutiny of U.S. trade partners.

But, in another sense, Congress ventured into new territory in H.R. 4848. It made some potentially significant changes under section 301 in how the United States defends its rights in international trade and removes foreign trade barriers -- transferring authority from the President to the U.S. Trade Representative (USTR) and reducing the discretion of the USTR in exercising authority.

In addition, Congress gave itself a larger role in the multilateral negotiating process. It imposed retroactive sanctions against foreign firms violating multilateral export controls. In addition, in H.R. 4848, the Congress addressed foreign economic issues not traditionally covered in trade legislation -- exchange rate policy and the debt problems of developing countries.

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[3] For information on the provisions of H.R. 3 (H.R. 4848) pertaining to agricultural trade see U.S. Library of Congress. Congressional Research Service. Agricultural Trade. Issue Brief No. IB88011, by Donna U. Vogt, April 6, 1988 (continually updated). Washington, 1988.

NEGOTIATING AUTHORITY*

Summary

In the past, Congress has delegated some of its constitutional power to regulate foreign commerce to the President to proclaim tariff reductions and to negotiate nontariff issues. The President had such authority for prior rounds of multilateral negotiations. That authority had expired. The United States is now involved in a new round of multilateral trade negotiations (the Uruguay Round) under the General Agreement on Tariffs and Trade (GATT).

P.L. 100-418 renews Presidential authority to negotiate and proclaim tariff agreements and to negotiate nontariff agreements under an expedited ("fast-track") approval procedure.[4] In delegating this authority, Congress sends a "go-ahead" signal in support of U.S. participation in the current round of multilateral trade negotiations, but in so doing, it attaches conditions to this authority which give Congress an expanded role in the multilateral negotiating process.

Analysis

The President's basic authority to negotiate and proclaim tariff reductions, last extended by section 101 of the Trade Act of 1974, expired in 1980. His authority under section 102 of the Trade Act of 1974 to submit agreements on nontariff measures for fast-track congressional approval -- mandatory procedures for approval with deadlines, limited debate, and no amendments -- expired January 3, 1988.

The issue of negotiating authority for the President is important now because a new round of multilateral negotiations under the GATT began in September 1986 and is officially scheduled for the completion within four years. Agreements reached at an early stage might be implemented prior to the formal conclusion of the negotiations.

Some observers believed that if the President had not been granted authority to proclaim (implement) tariff cuts, U.S. trade partners might not have negotiated seriously on tariff matters. And without authority to submit agreements on nontariff measures for fast-track consideration, the President might have had difficulty persuading the Congress to implement the results of the Uruguay Round.

P.L. 100-418 provides the President with negotiating authority for the new GATT round and for other trade negotiations. It extends the President's authority to negotiate nontariff agreements with fast-track implementation, gives the President authority to negotiate and proclaim tariff agreements, and specifies negotiating objectives.

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* This section was written by Lenore Sek, Analyst in International Trade and Finance.

[4] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Title I, Subtitles A and B.

Specifically, P.L. 100-418 extends the President's authority to negotiate nontariff agreements to May 31, 1993. It provides for fast-track approval of nontariff agreements reached on or before May 31, 1991, with a possible two-year extension to May 31, 1993.

P.L. 100-418 expands the role of Congress in the multilateral negotiating process. It provides for congressional disapproval of the two-year extension of "fast-track" consideration of trade agreements: Either the Senate or the House each would have to pass a resolution of disapproval before May 31, 1991, if there were insufficient progress in the negotiations or if no extension had been requested. The President and the Advisory Committee for Trade Policy and Negotiations also would have to submit a progress report to Congress on the negotiations 90 days before the expiration of the original "fast-track" consideration in order to obtain the extension.

In addition, P.L. 100-418 provides, for the first time, for congressional withdrawal of "fast-track" consideration, that is, "reverse fast track," The "fast track" approval procedure may be terminated if the USTR fails or refuses to consult with the Congress on trade negotiations and trade agreements, and if the Senate Finance Committee and the House Ways and Means and Rules Committees report out and the House and Senate each pass a disapproval resolution within any 60-day legislative period.

P.L. 100-418 grants authority to the President to enter and proclaim tariff agreements until May 31, 1993. The law authorizes tariff cuts up to 50 percent, except when a tariff is 5 percent or less, in which case a tariff cut up to 100 percent would be allowed. The annual reduction in tariffs is limited to 3 percent ad valorem or one-tenth of the total reduction, whichever is greater. The annual reduction limit would not apply if the International Trade Commission found that there was no U.S. production. For tariff reductions over 50 percent or for tariff increases, the President would have to submit the tariff agreement for fast-track approval.

For bilateral trade agreements, P.L. 100-418 extends tariff and nontariff negotiating authority to May 31, 1993, subject to congressional approval under the fast-track approval procedure and subject to congressional disapproval and reverse fast track procedures and other conditions.

P.L. 100-418 designates negotiating objectives, which give direction to U.S. negotiators. The act lists objectives on 17 subjects such as agriculture, dispute settlement, unfair trade practices, services, and intellectual property. Many of these objectives are those that were announced by U.S. negotiators before the start of the Uruguay Round of GATT negotiations.

Along with the negotiating authority renewal, P.L. 100-418 includes other trade-related authorities. It implements the multilaterally-approved Harmonized Tariff Schedule effective January 1, 1989. Furthermore, the act requires the President to give consideration to the effects of state trading enterprises, specifically before a country accedes to the GATT and when the President submits agreements for approval. It also authorizes the President to implement the tariff changes under the U.S.-European Community citrus-pasta agreement.

SECTION 301: UNFAIR FOREIGN TRADE PRACTICES*

Summary

Under section 301 of the Trade Act of 1974, as amended, the President is authorized to take action to enforce U.S. rights under trade agreements or to respond to unfair foreign practices that burden U.S. commerce. Whether the USTR investigated a foreign practice and whether the President took action against the practice used to be discretionary. Some critics of U.S. trade policy had charged that the President had not used his section 301 authority sufficiently and that our trade partners had been able to block U.S. exports with impunity.

P.L. 100-418, in part, is designed to increase the use of section 301 to open foreign markets. It transfers responsibilities from the President to the USTR, thereby reducing the influence of non-trade Presidential advisors.[5] It limits the discretion of the Administration by requiring section 301 investigations of certain practices and countries and by setting time limits on action. The new trade law also expands the coverage of section 301 to include certain foreign government and business practices. Ultimately, however, the Administration maintains considerable discretion in responding to foreign trade barriers.

Analysis

Prior to P.L. 100-418, section 301 of the Trade Act of 1974 as amended, authorized the President to suspend trade concessions, impose import restrictions, or take any other appropriate action to enforce U.S. rights under a trade agreement or to respond to unfair foreign practices that burden or restrict U.S. commerce. The President could take action independently or following an investigation and recommendation by the USTR. But he had virtually unlimited discretion on whether to take action.

P.L. 100-418 is designed to increase the use of section 301 authority. It transfers from the President to the USTR the authority to determine if a foreign trade practice meets section 301 criteria for action. It also transfers the authority to the USTR to determine what action, if any, to take and to implement the action. However, as some observers have noted, the decisions of the USTR, as a Presidential appointee, would still be subject to the President's direction.

P.L. 100-418 also reduces the discretion to exercise section 301 authority by requiring the USTR to take measures against a country violating a U.S. right established under a treaty, such as the GATT, or conducting other "unjustifiable" trade practices.[6] Such measures would have to be equal in value to the burden of the foreign practice. Retaliatory action would end after four years, unless the U.S. industry petitioned successfully for continuation. Retaliation could be waived if: (1) the GATT found that the foreign practice had not denied U.S. benefits under the agreement; (2) the foreign country was taking satisfactory measures to grant U.S. rights; (3) the foreign country agreed to eliminate its practice or agreed to an "imminent solution" to the restriction on U.S. commerce; (4) if (2) and (3) could not be met, then the foreign country agreed to provide satisfactory compensation; (5) in extraordinary cases, retaliatory action would have an adverse impact on the U.S. economy out of proportion to its benefits, taking into account the impact of not taking such action on the credibility of section 301; or (6) retaliatory action would cause serious harm to U.S. national security.

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* This section was written by Lenore Sek, Analyst in International Trade and Finance.

[5] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Title I, Subtitle C, Part 1.

In addition, the USTR would be required to initiate section 301 action against "priority practices" and "priority foreign countries." A priority practice is one that, if eliminated could result in the greatest increase in U.S. exports. (This part of P.L. 100-418 is based on the so-called Super-301 provisions of the Senate version of H.R. 3.) In identifying a priority country, the USTR must consider the number and pervasiveness of its practices and the level of U.S. exports that would result if the country fully met any obligations under its trade agreements. During the investigation into a priority country, the USTR must negotiate with the country for the reduction of its practice over three years. If a successful agreement is negotiated with the country, then the USTR terminates the section 301 case; otherwise, he continues the case, with the possibility of retaliation.

P.L. 100-418 reduces or sets maximum time limits by which the USTR must decide on and implement action. The maximum time limit for deciding on action is 18 months for non-subsidy trade agreement cases (12 months in all other cases). After determining what action to take, the USTR must implement the action within 30 days, with a maximum 180-day delay possible.

P.L. 100-418 also specifies that certain practices are to be considered "unreasonable" trade practices and therefore subject to section 301 action, at the discretion of the USTR: (1) export targeting, that is, a government measure that gives a domestic industry an unfair competitive advantage in trade; (2) denial of worker rights, such as collective bargaining and the right to strike; and (3) denial of market opportunities because of foreign government toleration of anti-competitive activities.[7] According to the Statement of Managers

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[6] An "unjustifiable" practice is a practice which is in violation of, or inconsistent with, the international legal rights of the United States.

[7] An unreasonable practice is one that, while not necessarily in violation of the international legal rights of the United States, is deemed to be unfair and inequitable.

that accompanied the conference report on H.R. 3, in cases of "unreasonable" practices, it is presumed that the USTR will take action where "it has a reasonable indication that such action will be effective in changing..." the foreign trade practice.

SECTION 201: IMPORT COMPETITION*

Summary

Section 201 is the one trade statute which provides an internationally-accepted authority to the President to restrict fairly-traded imports that injure U.S. industry. But section 201 and its use have come under criticism on a number of fronts. Some critics have charged that the statute does not adequately respond to the needs of American industries. Others have taken the view that section 201 is often used as a mechanism to protect favored industries from foreign competition with little concern for the adjustment of the industry to the new competition. Provisions of P.L. 100-418 deal with both sides of the argument.

P.L. 100-418 amends section 201 to focus on the adjustment objective of import relief by defining at the outset "positive adjustment" as the objective of the relief and by encouraging industries injured by imports who seek relief to submit a plan with their request that outlines the steps they are prepared to take to make the "positive adjustments."[8] At the same time, P.L 100-418 addresses the issue of responsiveness of the relief to injured firms by setting or tightening deadlines for the International Trade Commission (ITC) and the President to act, by extending the length of time for which relief can be given, and by clarifying the criteria under which the ITC and the President should make their determinations.

Analysis

Prior to the enactment of P.L. 100-418, the purpose of import relief under section 201 of the Trade Act of 1974, as amended, was "to prevent or remedy serious injury or the threat thereof" to an industry and "to facilitate the orderly adjustment to new competitive conditions." P.L. 100-418 strengthens the adjustment objective, by redefining the purpose of section 201 relief as solely to allow the domestic industry to make a "positive adjustment" to import competition. It defines "positive adjustment" as the ability (1) of the domestic industry to compete successfully with imports after the relief has been terminated or to transfer resources to other productive pursuits; and (2) of dislocated workers to transfer to productive endeavors. P.L. 100-418 also encourages the industry requesting relief to submit a plan that outlines the steps it will take to adjust to foreign competition. The Statement of Managers accompanying the conference report on the legislation indicates that the conferees believed the plan should be an important factor when the President and the ITC make their decisions on granting relief under section 201.

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* This section was written by William H. Cooper, Analyst in International Trade and Finance.

[8] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Title I, Subtitle D, Part 1.

P.L. 100-418 addresses the issue of the responsiveness of section 201 to industry needs in several ways. For example, it sets a deadline of 120 days after the filing of a petition by which the ITC must make its injury determination. Previously, ITC had no deadline but submitted a report of the determination with its recommendation for relief, if any, to the President within six months of filing. P.L. 100-418 also extends the period for which relief can be given from 5 to 8 years. Furthermore, P.L. 100-418 provides for emergency relief to industries facing special circumstances. For example, it allows for emergency import relief within 28 days of the filing of a petition for perishable products and allows provisional relief for industries facing "critical circumstances," that is, situations in which delay in rendering relief would accentuate injury to the industry.

P.L. 100-418 revises and expands the criteria that the ITC uses in determining serious injury or the threat of serious injury possibly making it more likely that injury would be found. It requires, for example, that ITC consider only the operations of the domestic industry, and not foreign operations, in evaluating the health of the petitioning industry. Previously the law permitted, but did not require, the ITC to do so. P.L. 100-418 also expands the criteria for making a threat of serious injury determination to include a decline in domestic market share, diversions of foreign exports to the U.S. market caused by third-country trade barriers, and the inability of the industry to maintain research and development funding levels. Furthermore, P.L. 100-418 requires the ITC to evaluate the operation of an industry over a relevant business cycle and requires the ITC to not aggregate the causes of declining demand associated with recession into a single cause of "serious injury."

Presidential discretion in the use of section 201 had been a major point of debate during the deliberations on the trade legislation during the 100th Congress. P.L. 100-418 retains the responsibility for making and implementing a decision on relief in the hands of the President. However, it revises the conditions under which the President should act. Section 201 previously required the President to provide relief upon an injury determination by the ITC, unless he determined such relief would not be in the economic interest of the United States. Thus, the President had broad discretion. P.L. 100-418 requires the President to take all appropriate and feasible action within his power that will facilitate the "positive adjustment" of an industry and that "will provide greater economic and social benefits than costs." The last phrase is the operative one. According to the Statement of Managers, the conferees believed that in the majority of cases the President would be able to take action that would render more benefits than costs and therefore he would have to take such action. In sum, P.L. 100-418 maintains Presidential discretion but tightens the standards for not taking action.

P.L. 100-418 increases the actions that the President has available to respond to an industry's import-caused injury to include auctioned quotas, international negotiations to address the cause of the increase in imports, adjustment measures including trade adjustment assistance, or any other action within the President's power.

ANTIDUMPING AND COUNTERVAILING*

Summary

P.L. 100-418 provides for numerous changes of the present antidumping (AD) and countervailing (CV) law.[9] Many of these changes affect the elements (definitions, criteria, and actions) that both the AD and CV procedures have in common; others apply specifically to one or the other.

Analysis

Antidumping and Countervailing

P.L. 100-418 expands the antidumping and countervailing procedures by providing for the monitoring of imports of downstream products, that is, of products that contain components subject to an AD or CV order. On the basis of such monitoring, the Department of Commerce could initiate an AD or CV investigation.

P.L. 100-418 also addresses the circumvention, in various ways, of an AD or CV order against a product. Such circumvention can take place through the importation from the country to which the order applies of component parts of such a product into the United States or into third countries for assembly or finishing operations there. Imports of such components into the United States or of products assembled from them in a third country not subject to the AD or CV order, could be included in the original order. Guidelines also are provided for the possible anticircumvention inclusion in an AD or CV order of a product that was developed after the original investigation was initiated but is essentially the same as the product covered by the existing order.

Present provisions on critical circumstances in AD or CV cases, which allow, under specified conditions, expanded retroactive applicability of AD or CV duties, are clarified by providing much greater procedural detail and criteria, particularly with respect to the ITC's determination of injury and existence of critical circumstances.

P.L. 100-418 expands the existing definition of "industry" in AD and CV cases dealing with processed agricultural products by allowing the inclusion therein, under specified conditions and consistent with U.S. international obligations, of the producers of the raw agricultural products from which the products under investigations are made.

The existing provisions which apply AD and CV laws to any leasing arrangement equivalent to a sale (as well as to sales) are made more effective by providing statutory criteria for determining such equivalency.

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* This section was written by Vladimir N. Pregelj, Specialist in International Trade and Finance.

[9] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Subtitle C, Sections 1311-1337.

Present law on the ITC's determination of material injury, or of threat thereof, in an AD or CV case is clarified by greater detail and additional guidelines and expanded by adding several new factors to be considered. Cumulation of subsidized or dumped imports from countries under an AD or CV investigation, now required under certain conditions for determining material injury, can be included on a discretionary basis also in determining threat of material injury. Negligible imports, as defined by the law, could be excepted from the cumulation in determinations of material injury. In investigations involving products of Israel, imports could be treated as negligible for this purpose, if the ITC determined that they do not cause material injury.

P.L. 100-418 makes three administrative changes in the AD and CV law. It (1) adds a requirement that a person submitting factual information in a case certify its accuracy; (2) provides for timely submission of information by the parties to a proceeding and requires (rather than merely permits, as at present), under specified conditions and with specified limitations, its disclosure to interested parties; and (3) requires the Department of Commerce to establish procedures for correcting mathematical, clerical, and other technical errors in AD and CV determinations.

Clarifying amendments are added to provisions for the administration of AD and CV duties, in that such duties will not be refunded as drawbacks, and that U.S. Government imports will not be exempted from them (as they are from regular customs duties).

Antidumping

Present provisions dealing with dumping by "State-controlled-economy" (SCE) countries are replaced by similar, if more detailed, ones on dumping by "nonmarket economy" (NME) countries. The new law provides for a determination (on a permanent rather than case-by-case basis) of a country as an NME country. It eliminates two of the four presently possible methods for determining the foreign market value of an NME-dumped product (actual, or constructed value in the country of origin). It allows only the use of the value of the constructed value of the product based on the costs of production in an appropriate market-economy country or countries, or the value at which comparable merchandise produced in one or more market-economy countries that are at a level of economic develoment comparable to that of the NME country in question, is sold abroad. P.L. 100-418 also permits suspension of an AD investigation of imports from an NME country by means of a quantitative restriction agreement. Such suspension agreements are not provided for in the earlier law and, hence, do not apply to AD investigations involving non-SCE (market-economy) countries.

P.L. 100-418 establishes a procedure whereby domestic industries that are injured by dumping by a foreign country in third-country markets may petition the USTR who, in turn, would request the third-country's government to take AD action on behalf of the United States. If such action is refused, some other appropriate action provided for in U.S. law could be taken.

A new, clarifying special rule applies to the use of constructed value in AD investigations involving possible sales of inputs between related parties at prices below cost of production.

P.L. 100-418 includes criteria to be used as evidence of a fictitious market. These criteria clarify existing provisions relating to the exclusion from the determination of foreign market value of sales tending to establish a fictitious market.

In a new provision, the ITC is authorized to establish product categories of "short life cycle merchandise" (merchandise tending to become technologically obsolete within a few years) that has been subject to two or more affirmative less-than-fair-value determinations within the past 8 years. Such merchandise will be subject to expedited dumping investigations. This procedure is clarified by relevant new definitions, criteria, limitations, and exclusions.

An expedited (rather than annual) review of an AD order, as provided for in present legislation, is made subject to four conditions.

Finally, P.L. 100-418 requires the Secretary of Commerce to prepare a study and report to Congress within 12 months on the new market orientation of China's economy and its effects, with a view toward an appropriate revision of the U.S. AD law.

Countervailing

By adding a clarification to the definition of a "subsidy," P.L. 100-418 requires that a domestic subsidy be considered a subsidy for CV law purposes if it is, in fact, provided to an individual firm or industry, even though it may be generally available.

The existing practice in CV cases involving processed agricultural products, whereby subsidization of the raw product from which they are derived is considered, under certain conditions, subsidization of the processed product, is clarified and codified.

A country's status as a "country under the Agreement" (party to a subsidies agreement with the United States and thereby entitled to an injury test in CV investigations) can be revoked under certain conditions.

In CV cases involving products of international consortia subsidized by more than one government, all such subsidies must be cumulated in determining the level of any applicable CV duty.

The USTR is required to undertake a review of and report to Congress within 180 days on other countries' subsidies commitments to the United States, their compliance therewith, and recommendations for improving the compliance.

SECTION 232: IMPORTS THREATENING NATIONAL SECURITY*

Summary

P.L. 100-418 shortens or sets time limits for various steps in the action aimed at remedying threats to national security caused by imports (section 232, Trade Expansion Act of 1962; 19 USC 1862), expands the role of the Secretary of Defense in the procedure, provides for enforcement of import restraint agreements reached under section 232 and, specifically, of the recent machine tool import arrangements.[10]

Analysis

Present law allows the Secretary of Commerce one year to complete his investigation of the effects on U.S. national security of imports of any article and report thereon to the President. P.L. 100-418 reduces this limit to 270 days (about 9 months) and thus expedites the process. The role of the Secretary of Defense in the investigation is enhanced. He is to be immediately notified of any investigation and consulted regarding the methodological and policy questions raised in the investigation. If requested by the Secretary of Commerce, the Secretary of Defense will provide him with an assessment of the defense requirements of any article under investigation.

Previously, no time limit was set for the President's response to the Department of Commerce's recommendation, which had resulted on occasion in delays of several years. P.L. 100-418 requires the President to decide within 90 days of receipt of an affirmative report from the Commerce Department (if he concurs with its findings) what import adjusting action to take, and, within 15 more days, to implement it. Whether or not the President decides to take action, he must submit a written statement thereon to the Congress within 30 days of his decision. The present law requires the President to submit to the Congress a report on the action taken within 60 days after having taken it.

In a new provision, if the President decides to adjust imports by means of a bilateral voluntary restraint agreement (VRA) and such agreement is not concluded within 180 days or, if concluded, is not carried out or is ineffective, he must take other import adjusting action. If he decides against such action, he must publish his decision and reasons therefor in the Federal Register. Publication in the Federal Register is required in P.L. 100-418 with respect to decisions at all major steps in the section 232 procedure. At present, such requirement applies only to the final disposition of a section 232 case.

Regarding a specific section 232 action, P.L. 100-418 authorizes the Secretary of Commerce to request the Secretary of the Treasury to implement, as appropriate, the VRAs (with Japan and Taiwan) on machine tools concluded pursuant to the President's section 232 decision of May 20, 1986.

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* This section was written by Vladimir N. Pregelj, Specialist in International Trade and Finance.

[10] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Title I, Subtitle E.

INTELLECTUAL PROPERTY RIGHTS PROTECTION*

Summary

Intellectual property refers to ideas, innovations, or the products thereof. While the United States has strict copyright, patent, and trademark laws to ensure U.S. innovators' control over their products, many other countries, especially developing countries do not. Piracy and counterfeiting of U.S.-origin products has become a major trade and investment issue over the years. Members of the business community have pushed for greater protection of their ideas and products.

P.L. 100-418 approaches the intellectual property rights problem from four directions. It (1) makes it easier for firms to obtain remedies, under section 337 of the Trade Act of 1930, against pirated products that are imported into the United States; (2) defines the lack of intellectual property rights protection as an unfair trade practice under section 301 of the Trade Act of 1974 and provides for expedited USTR action against certain violators; (3) allows process patent holders to seek damages from violators in federal court; and (4) makes intellectual property rights protection an objective of the Uruguay Round of multilateral trade negotiations.[11]

Analysis

The main avenue for U.S. holders of patents, copyrights, and trade marks to seek retribution against foreign violators of their rights has been section 337 of the Trade Act of 1930, as amended. Under section 337, the ITC is authorized, subject to Presidential disapproval, to provide relief to victims of unfair foreign trade practices in import trade. The ITC investigates all such cases that arise based on petitions or under its own volition. While section 337 covers all unfair trade action in import trade, it has been primarily used to punish foreign violators of U.S. intellectual property rights. P.L. 100-418 makes its easier for U.S. firms and individuals to seek remedies by reducing the requirements to obtain relief and to establish a deadline for the ITC to act.

Section 337 authorizes the ITC to extend relief in the form of an exclusion order on imports or a cease-and-desist order on the importers but before the ITC can do so, the petitioner must prove that the imports would destroy the industry or cause substantial injury or would have a tendency to do so. P.L. 100-418 eliminates this requirement in intellectual property rights cases and would substitute the term "threat" for tendency in non-intellectual property rights cases. Previously, section 337 also required the petitioner to prove that it is an "economically and efficiently" operated U.S. industry. P.L. 100-418 maintains the "U.S. industry" criterion but drops the economic and efficiency requirement. It also establishes a definition of an industry not present in the current law stipulating that one of three criteria must obtain -- significant investment in plant and equipment; significant employment of labor or capital; or substantial investment in the exploitation of the intellectual property, including engineering, research and development, or licensing. P.L. 100-418 requires the ITC to make a determination on a temporary exclusion order on imports within 90 days of the filing of a petition. The current law has no such deadline.

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* This section was written by William H. Cooper, Analyst in International Trade and Finance.

[11] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Title I, Subtitle C, Part 1, Section 1303 and Part 3 and Title IX.

Previously, section 301 of the Trade Act of 1974, as amended, already labeled the denial of intellectual property rights protection as an unfair trade practice and therefore subject to Presidential retaliatory measures. But P.L. 100-418 requires the USTR to identify "priority" foreign countries which deny adequate and effective protection for U.S. intellectual property rights or fair and equitable market access for U.S. exporters that rely on intellectual property rights protection. Identification of these countries are to be based on the USTR's annual report of foreign trade barriers, on section 301 petitions, or on other information. The USTR must investigate all cases it has identified and within six months of the initiation of the investigation (9 months in exceptional circumstances) make a determination as to whether action must be taken. The USTR is required to take action within 30 days (four months in exceptional cases), unless certain circumstances apply. (See section on section 301 for further information.)

P.L. 100-418 amends Title 35, United States Code, regarding process patents by clarifying that the issuance of a process patent provides the right of the holder to exclude others from using or selling in the United States or importing into the United States products made by the process. Any such act would be deemed a patent infringement. But P.L. 100-418 limits remedies against noncommercial users and retailers in infringement cases by requiring that the complainant exhaust other possible actions.

TRADE ADJUSTMENT ASSISTANCE*

Summary

Trade Adjustment Assistance (TAA) is a set of programs which provide financial aid to firms and workers that are adversely affected by imports. P.L. 100-418 expands the program to cover a broader range of workers, emphasizes retraining as an objective of the adjustment funds, and provides for a trust fund to finance the TAA programs.[12]

Analysis

TAA programs have existed in some form since 1962. They are designed to help workers and firms that are adversely affected by increased import competition.

P.L. 100-418 affects primarily the workers' TAA program. That program currently consists of supplemental income, employment services, funding for retraining, and allowances for job search and relocation. P.L. 100-418 expands the coverage of the program, provides for supplemental allowances for workers, emphasizes retraining as an objective of the TAA, and provides for the establishment of a trust fund for TAA funding.

The TAA program covers workers who lose their jobs because of imports of products they produce. P.L. 100-418 expands the program to cover secondary workers, that is, workers who produce "essential goods" or "essential services" for firms directly affected by increased imports. For example, workers who produce glass for an auto producer, could be considered eligible for TAA funding if the auto producer or workers are eligible. However, this coverage would be contingent on the imposition of an import fee to pay for the expanded program. P.L. 100-418 also allows all oil and gas workers to become eligible for TAA help retroactive to September 30, 1985. To date, only certain parts of the industry have been given coverage.

The TAA program is funded through general revenue. P.L. 100-418 requires the President to negotiate with other signatories to the GATT to permit the imposition of an import fee not to exceed 0.15 percent ad valorem. The revenues from the fee would go into a trust fund to finance the TAA programs. If negotiations fail, then the President would decide whether to impose the fee anyway if it is in the national interest. If he decides against the fee, then he must so report to the Congress which would have 90 days to disapprove the decision on a fast-track basis subject to normal Presidential veto and congressional override procedures.

P.L. 100-418 underscores retraining as an objective of the TAA program by requiring workers, when appropriate and feasible, to undertake retraining in order to receive the allowances. It establishes training allowances as an entitlement and requires the Department of Labor to establish a demonstration project to study supplemental wage allowances for workers who accept full-time jobs which pay less then their of the previous jobs. The TAA allowances will make up the difference in salaries between the two jobs. Previously, under the TAA program, workers ceased receiving allowances when they accepted full-time jobs no matter the pay.

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* This section was written by William H. Cooper, Analyst in International Trade and Finance.

[12] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Title I, Subtitle D, Part 3.

TELECOMMUNICATIONS TRADE*

Summary

U.S. deregulation and divestiture of AT&T has resulted in increased competition in the telecommunications industry in the United States which has not been matched by comparable levels of deregulation in other countries. The purpose of the telecommunications provisions of P.L. 100-418 is to correct growing imbalances in competitive opportunities in foreign telecommunications markets. Continued open access to the U.S. market will be limited to the telecommunications products and services of those countries that provide "mutually advantageous opportunities" for telecommunications trade.[13] The law provides specific negotiating authority and remedies to address the limited market openness in telecommunications trade.

Analysis

The Telecommunications Trade Act of 1988, which is contained in P.L. 100-418, provides a definition of telecommunications products and specifies the objectives of U.S. policy with respect to telecommunications trade. The major purpose of the act is "to achieve a more open world trading system for telecommunications products and services through negotiation and provision of mutually advantageous market opportunities for United States telecommunications exporters and their subsidiaries in those markets in which barriers exist to free trade."

The law requires the USTR, within five months of enactment, to investigate and identify priority foreign countries that deny mutually advantageous market opportunities. The USTR can add or delete countries from the priority list. After a country is identified as a priority country, the President is required to initiate negotiations with that country and to establish specific country-by-country objectives to meet the general negotiating objectives established in P.L. 100-418.

If negotiations are unsuccessful, the President is authorized to take whatever actions are appropriate and are most likely to achieve the objectives established by the President for that specific country. P.L. 100-418 sanctions a wide range of retaliatory measures which the President may take, including -- but not limited to -- any action described in section 301 of the Trade Act of 1974, termination of benefits under the Generalized System of Preferences program, or termination or suspension of any trade agreement with respect to any U.S. duty or trade restriction on a telecommunication product. Although the act requires that action be taken first against telecommunications products and services, the President may take action against other sectors if he determines that such action would be a more effective means of achieving the negotiating objectives. Action must be taken within a time certain (18 to 42 months, depending on the progress of the negotiations).

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* This section was written by Glennon J. Harrison, Analyst in International Trade and Finance.

[13] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Title I, Subtitle C, Part 4.

The USTR is required to conduct annual reviews to determine whether any act, policy, or practice of a country violates a telecommunications trade agreement or otherwise denies mutually advantageous market opportunities. If a positive determination is made, such a violation is to be treated as a section 301 case.

P.L. 100-418 also provides the President with negotiating authority (until 1993) and grants compensation authority in the event that any action taken violates GATT principles. Within one year of enactment, the Secretary of Commerce must conduct a study of the competitiveness of the U.S. telecommunications industry and make a report to Congress.

EXPORT EXPANSION AND FOREIGN CORRUPT PRACTICES ACT*

Summary

A number of critics of U.S. trade policy believe that U.S. industries must improve their export posture in order to reduce the trade deficit and that the U.S. Government must aid in this effort. During the 100th Congress, U.S. export promotion programs and regulations which are said to impede exports have come under scrutiny. P.L. 100-418 contains provisions which resulted from some of that scrutiny and which are designed to help U.S. firms sell overseas. These provisions pertain to the Export Trading Company Act of 1982, the Foreign Corrupt Practices Act, and the Small Business Administration, among others.[14]

Analysis

The Export Trading Company Act of 1982 (ETCA) was designed (1) to encourage small and medium-sized companies to export by allowing them to form export trading companies (ETCs) without violating U.S. antitrust statutes, as long as they "operate principally" to export, and (2) to amend bank laws to permit bank investment, with the approval of the Federal Reserve Board, in ETCs. But the ETCA has not lived up to the expectations of its supporters. Some critics have cited the provisions of the ETCA pertaining to bank investment and the Federal Reserve Board's interpretation of those provisions as inhibiting bank participation.

For example, the Federal Reserve Board has required that a majority of a company's revenues be derived from exporting or facilitating the export of U.S. goods and services to meet the "operate principally" requirement under the ETCA. Critics have claimed that this interpretation is too restrictive, because many ETCs are involved in import as well as export facilitation and also in third-country trade. P.L. 100-418 stipulates that an ETC would meet the requirement as along as its export revenues exceed its import revenues and at least one-third of the company's business is derived from the export of U.S. goods and services produced by a person or organization unaffiliated with the company. P.L. 100-418 also provides that ETCs have a two year "start-up" period during which they do not have to meet the revenue test in order to give them time to develop and gain the expertise needed to become successful.

Some critics have also charged that the Federal Reserve Board's requirement that a bank wanting to invest in an ETC have an asset-to-capital ratio of 10-to-1 limited the ETC's ability to borrow. P.L. 100-418 prohibits the Board from disapproving an export trading company's application entirely because the leveraging ratio exceeds 20-to-1.

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* This section was written by Rawle King, Economic Analyst.

[14] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Title III, Subtitle E; Title V, Subtitle A, Part I; and Title VIII.

The Foreign Corrupt Practices Act (FCPA) of 1977 prohibits illicit payments to foreign officials by American companies to secure business. The act requires U.S. firms to maintain records and internal control mechanisms to monitor FCPA-related activities and makes it a crime to bribe foreign officials to obtain or maintain export business. The act has been criticized by some as setting vague standards of what constitutes prohibited payments, as defining liability for illegal payments too broadly, and as requiring unnecessarily detailed record-keeping.

Among other things, P.L. 100-418 limits liability to those who "know" rather than merely having "reason to know." P.L. 100-418 also revises the FCPA to allow payments that are legal in a foreign country and that are made to expedite routine government actions, such as clearing customs or expediting paperwork, and would revise the record-keeping requirements.

Some provisions of P.L. 100-418 are intended to enhance the access of small businesses to existing export promotion programs, to facilitate capital formation and to provide for the creation of new and innovative export promotion and technology transfer programs at the Federal, State and local levels. Among other things, P.L. 100-418 requires the Small Business Administration's Office of International Trade, in cooperation with the Commerce Department, to identify possible export products, markets and financing mechanisms; help develop export trading and management companies; and counsel small businesses on participation in trade remedy proceedings.

P.L. 100-418 also requires the Secretary of Commerce to consult with the Secretary of the Treasury about appointing a U.S. and Foreign Commercial Service officer to serve with each U.S. Executive Director to a multilateral development bank in order to stimulate U.S. exports and procurement from American businesses. It also authorizes the Secretary of Commerce to establish a market development cooperator program to develop foreign markets for American nonagricultural exports through joint government-private sector cooperation.

EXPORT CONTROLS*

Summary

The United States controls exports under the Export Administration Act of 1979, as amended, (EAA) for national security, foreign policy, and other purposes. The United States, Japan, and all of the NATO countries except Iceland are members of the Coordinating Committee for Multilateral Export Controls (CoCom), an informal agency that seeks to harmonize various national export control systems. The United States and other CoCom countries control exports of advanced technology to the U.S.S.R and other communist countries for national security purposes.

P.L. 100-418 modifies the EAA. Its export control provisions emphasize a renewed focus on controlling the flow of strategic goods to controlled countries.[15] They fall mainly into two broad categories: reducing export disincentives and strengthening export enforcement. The latter is partly a response to the Toshiba/Kongsberg diversion of sensitive technology to the Soviet Union. P.L. 100-418 also extends the EAA for one year until September 30, 1989 and prohibits export licensing fees.

Analysis

Reduction of Disincentives to Exports

In response to numerous complaints about the burden that export controls impose on U.S. manufacturers and exporters, Congress approved a series of measures that are designed to reduce export disincentives without decreasing the overall effectiveness of the export control system. Renewed emphasis was placed on increasing the overall effectiveness of the multilateral system of export controls. Five major areas in which changes were made are summarized below.

Reduction or elimination of certain licensing requirements. Within three months of enactment, the Secretary of Commerce must determine which countries maintain effective export control systems and eliminate license requirements for exports to those countries. This will effectively create a license-free zone similar to that which the U.S. maintains with Canada. Only CoCom countries and those other countries which maintain cooperative export control agreements with the U.S. (so-called "5(k)" countries) will be eligible for license-free status.

Licenses will be eliminated for exports to CoCom countries for those goods that may currently be exported to the People's Republic of China (PRC) without multilateral approval (the so-called "PRC greenline level"). Licenses will also be eliminated for exports to Free World destinations for those goods which may currently be exported to controlled countries without multilateral approval (the so-called "AEN level"). These provisions expand the number of goods that may be exported to CoCom and other Free World countries without a license. Unilateral licensing requirements are eliminated for reexports of U.S. goods among CoCom/5(k) countries and for parts and components when U.S. content is 25 percent or less of the total value of the goods.

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* This section was written by Clennon J. Harrison, Analyst in International Trade and Finance.

[15] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Title II, Subtitle D.

Control list reduction. The size and complexity of the commodity control list (or CCL, a list of commodities under the export control jurisdiction of the Commerce Department's Bureau of Export Administration) will be reduced through the removal of low-technology items from the list. Low-technology items are defined as those which may currently be exported to controlled countries without multilateral approval (AEN-level goods). Goods and technologies that are subject to unilateral U.S. national security controls would also be removed from the list unless the United States is engaged in efforts to negotiate multilateral control or unless a good is unique to the United States. P.L. 100-418 decontrols medical instruments and equipment (e.g., those containing embedded microprocessors) unless the functional characteristics of the good as a whole would significantly contribute to the military potential of a controlled country.

Foreign availability procedures clarified and expanded. P.L. 100-418 defines "foreign availability" and provides for decontrol and expedited licensing of goods available in Western countries. It also establishes a 9-month maximum limit on foreign availability determinations.

Expansion of trade with the PRC. P.L. 100-418 authorizes the use of distribution and comprehensive operations licenses for exports to the PRC and permits U.S. exporters to display technology and equipment at trade shows in PRC if they retain title to the goods on display. The use of distribution licenses may facilitate exports to the PRC.

Dispute resolution mechanism. The nature and extent of Defense Department review of license applications will be limited to national security, not foreign policy, considerations. P.L. 100-418 also imposes a timetable for the resolution of disputes between Defense and Commerce. The purpose of these provisions is to decrease the likelihood that a decision on an exporter's license application will be delayed because of a dispute between the two departments.

Stronger Enforcement of U.S. and Multilateral Export Controls

Enforcement provisions for unilateral controls maintained solely by the United States and for multilateral controls administered by CoCom are strengthened by P.L. 100-418 through tougher U.S. penalties for violations.

Enforcement of U.S. export controls. P.L. 100-418 enhances enforcement of U.S. export control laws. The Secretary of Commerce is authorized to bar persons (including companies) convicted of violations of the EAA or the International Emergency Economic Powers Act (IEEPA) from applying for or using export licenses. P.L. 100-418 also extends the effective period for temporary denial orders (TDOs) from 60 to 180 days. TDOs are used to deny the right to export, if necessary, to prevent an imminent violation of the EAA. P.L. 100-418 limits Customs Service authority to detain goods that are eligible for a general distribution license to 20 days. It also provides for limited judicial review of civil penalties and TDOs.

Enforcement of multilateral controls -- Toshiba/Kongsberg sanctions. In response to the diversion of high technology equipment to the Soviet Union by Toshiba Machine Company of Japan and Kongsberg Trading Company of Norway, P.L. 100-418 imposes retroactive sanctions on those companies and their parent firms. Toshiba Machine, Kongsberg Trading, and any other foreign persons involved in the diversion are prohibited from U.S. Government contracting and procurement, and are also prohibited from exporting goods to the United States for a period of 2 to 5 years. The President may exempt certain transactions from the prohibitions. The parent corporations (Toshiba Corporation and Kongsberg Vaapenfabrikk) are subject to a three-year prohibition on U.S. Government contracting and procurement. The intent of the sanctions is to punish the companies for violations of CoCom regulations and to further U.S. national security interests.

Prospective sanctions for future violations. Future violations of CoCom regulations by foreign persons that have a serious adverse effect on the strategic balance of forces will be subject to a mandatory prohibition on imports and debarment from contracting for 2 to 5 years. Sanctions may be waived under certain limited conditions. The parent corporation is debarred from U.S. Government contracting and procurement for at least 2 years. For countries that have an effective export control system, the President may waive sanctions against any parent, affiliate, subsidiary, or successor firm. In this case, sanctions may only be imposed against the single foreign person (i.e., firm) who violated CoCom regulations. In cases where violations occurred but did not have a serious adverse impact on the strategic balance of forces, the President may apply sanctions on a discretionary basis.

FOREIGN DIRECT INVESTMENT*

Summary

Public Law 100-418 grants the President the authority to suspend or prohibit any acquisition, merger, or takeover of a U.S. enterprise by or with a foreign person or enterprise if he determines that the foreign direct investment will threaten to impair the national security.[16] This authority is intended to broaden the President's ability to prevent foreign investments in industries or assets. Nevertheless, the President has considerable latitude in exercising this authority.

Analysis

Sharp increases in foreign direct investment in U.S. businesses and assets since 1980 have sparked congressional concerns over the effect and influence of foreign investment in the U.S. economy. These concerns generated a number of legislative proposals in the 100th Congress to restrict or to monitor foreign direct investment in the United States. Sections contained in P.L. 100-418, while not as broad as some of these proposals, enhance the President's authority to take what action he considers to be "appropriate" to suspend or prohibit foreign acquisitions, mergers, or takeovers of U.S. businesses which threaten to impair the national security. The President is expected to have credible evidence that the foreign direct investment would impair the national security and that other existing, legal provisions do not provide adequate and appropriate authority to prevent the impending direct investment.

Although the legislation is not intended to inhibit foreign direct investments in industries which are not of national security interest, it widens the scope of industries which fall under the national security rubric. Previous legislation barred foreign direct investment in such industries as maritime, aircraft, banking, resources and power. Generally, these sectors were closed to foreign investors to prevent public services and public interest activities from falling under foreign control, primarily for national defense purposes.

Under P.L. 100-418, however, the term national security is intended to be interpreted broadly without limitation to a particular industry. As such, it could apply to a firm in any industry. Nevertheless, the President or his designee is given some guidance on the factors they should consider in initiating an investigation. These factors include, but are not limited to, domestic production needed for projected national defense requirements; the capability and capacity of domestic industries to meet national defense requirements, including the availability of human resources, products, technology, materials, and other supplies and services; and the control of domestic industries and commercial activity by foreign citizens as it affects the capability and capacity of the United States to meet the requirements of national security.

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* This section was written by James K. Jackson, Analyst in International Trade and Finance.

[16] Public Law 100-418, Title V, Subtitle A, Part II.

Given the complexity of the U.S. economy and the interrelationships of industries and resources, the factors are inclusive enough to allow the President to prevent nearly any potential foreign direct investment. The effect of the legislation on foreign direct investment, however, will be determined by the President. Since the legislation simply states that the President "may" initiate an investigation or "may" take action following an investigation, the President is the key both to the implementation of this part of the legislation and the scope of its effect on foreign direct investment.

EXCHANGE RATES*

Summary

Exchange rates are widely viewed as an important factor in U.S. foreign trade flows. The provisions of P.L. 100-418 are designed to make exchange rate stability an important policy goal in the United States and to increase the accountability of the Administration for economic policies that affect the exchange rate.[17] To these ends, P.L. 100-418 requires multilateral negotiations to coordinate policies, bilateral negotiations with countries who manipulate their currencies against the dollar, and semi-annual reports on international economic policies.

Analysis

U.S. exchange rate policies are largely the responsibility of the Executive Branch (mainly the Treasury Department) and the Federal Reserve System. For example, the Executive Branch can initiate or pursue discussions with other countries to coordinate macroeconomic policies or persuade countries whose exchange rates are fixed to let their currencies appreciate relative to the dollar. The Federal Reserve can consider the value of the dollar when deciding on monetary policy.

There is widespread agreement that monetary and fiscal policies in the United States and abroad were the major factor in the dollar's appreciation from 1980 to 1985, which resulted in a large U.S. current account deficit. From 1980 to 1985, the Administration had a "laissez-faire" policy toward the dollar, but, since then, has been coordinating policies with other countries multilaterally and negotiating bilaterally with Taiwan and South Korea regarding their exchange rates. P.L. 100-418 requires that these negotiations be continued and would place reporting requirements on the Executive Branch to make the Administration more accountable for policies that affect exchange rates and the current account balance.

P.L. 100-418 affects the conduct of U.S. exchange rate policy in the following areas:

— Multilateral Negotiations. The President would be required to seek to confer and negotiate with other countries to achieve better macroeconomic policy coordination, more appropriate current account balances and exchange rates, and to develop a program to improve existing mechanisms for coordination and long-term exchange rate stability.

— Bilateral Negotiations. The Secretary of the Treasury is required to determine annually, in consultation with the International Monetary Fund (IMF), which countries manipulate their exchange rates relative to the dollar. The Secretary of the Treasury would have to negotiate, either in the IMF or bilaterally, with those countries which manipulate their currencies, have large global current account surpluses and have significant bilateral trade surpluses with the United States. Such negotiations would not be required if they would have a serious detrimental impact on national economic and security interests, but the Secretary of the Treasury would have to inform the House and Senate Banking Committees of his determination.

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* This section was written by Arlene E. Wilson, Specialist in International Trade and Finance.

[17] P.L. 100-418, Omnibus Trade and Competitiveness Act of 1988, Title III, Subtitle A.

-- Reporting Requirements. The Secretary of the Treasury, in consultation with the Chairman of the Federal Reserve Board, must submit semi-annual reports on international economic policy to the House and Senate Banking Committees. Each report would have to:

a. analyze currency market developments;
b. evaluate underlying factors in currency markets;
c. describe currency intervention;
d. assess the impact of the exchange rate on U.S. trade and current account balances, production, employment, inflation, competitiveness, and external debt;
e. recommend U.S. economic policy changes necessary for a more appropriate current account balance;
f. discuss the results of bilateral negotiations on exchange rates;
g. describe the key issues arising from the most recent consultation requested by the IMF under article IV of the IMF's Articles of Agreement;
h. analyze the size and composition of international capital flows.

-- Report by the Board of Governors. The Board of Governors of the Federal Reserve is required to include an analysis of the impact of the dollar's exchange rate in its semi-annual reports on recent developments affecting economic trends in the Nation as required under the Federal Reserve Act.

THE INTERNATIONAL DEBT PROVISIONS*

Summary

Since its onset in 1982, the international debt crisis has been a major world financial issue. As the debtors, particularly in Latin America, cut back imports and aggressively promoted exports, however, the United States began to experience a large and persistent trade deficit with the debtor nations. For this reason U.S. policymakers came to view the debt problem as a trade problem. Provisions in P.L. 100-418 dealing with the debt problem, the "International Debt Management Act of 1988," require the Secretary of the Treasury to study the feasibility and advisability of establishing a multilateral debt management authority.[18]

Analysis

The proposed debt management authority would purchase Third World debt at a discount from face value, passing the benefits on to the debtors by restructuring the debt so as to provide debt relief. In return the debtors would be required to undertake economic policy reform and establish economic management plans. This strategy of providing debt relief would represent a major departure from existing debt strategy, known as the "Baker Plan," which is based on new lending.

The proposal to establish a debt management authority is simultaneously also consistent with existing U.S. policy. Since the onset of the debt crisis in 1982, the United States has avoided undertaking unnecessary financial commitments related to solving the debt problem. Provisions in P.L. 100-418 consistent with this policy of cost avoidance include those that require that the authority to be self-sustaining, that the IMF's gold holdings and the World Bank's uncommitted loan resources be considered for use as collateral, and that countries with current account surpluses consider contributing a major share of the financial resources.

Under P.L. 100-418 the Secretary of the Treasury may refrain from undertaking negotiations to establish a debt management authority if the talks would cause "a material risk of reducing the value of the debt, disrupting debt service, or causing defaults." Aside from the difficulty of defining "material," there would be no way to prove or disprove whether these events would occur if talks were begun. Nevertheless, this "escape clause" will allow the Reagan Administration, which is opposed to a debt management authority, to justify a determination not to initiate negotiations. P.L. 100-418 also requires a report to Congress within 12 months after enactment, thus forcing the next

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* This section was written by Patricia A. Wertman, Specialist in International Trade and Finance.

[18] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Title III, Subtitle B.

Administration to review current policy toward establishing a debt management authority.

Finally, P.L. 100-418 requires a study of a one-time allocation of Special Drawing Rights (SDRs) to the poorest of the debtor nations, that is, the African debtors. The SDR is an international reserve asset created by the IMF which can be used to settle international debts between the members of the IMF. Thus, a special allocation of SDRs could be used by the poorest countries to pay debt service on their official credits. The allocation, however, might require an amendment of the IMF's Articles of Agreement, possibly leading to a broader debate on their content.

OTHER TRADE-RELATED PROVISIONS*

In addition to the provisions described in this report, P.L. 100-418 includes some other provisions pertaining to trade, including the following:

-- Primary Dealer Restrictions. P.L. 100-418 prohibits the Federal Reserve Bank of New York from allowing foreign security firms to become primary dealers in U.S. Government securities if those firms are located in countries which deny similar access to U.S. firms.[19]

-- Buy American Provisions. P.L. 100-418 bans U.S. Government purchases from firms located in countries identified by the President as discriminating against U.S. firms in their government procurement. Such a ban is to be implemented after consultations with the offending country fail to achieve reform of that country's policies.[20]

-- Shipping Practices. P.L. 100-418 gives the Federal Maritime Authority the authority to investigate unfair trade practices of foreign carriers.[21]

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* This section was written by William H. Cooper, Analyst in International Trade and Finance.

[19] Public Law 100-418, the Omnibus Trade and Competitiveness Act of 1988, Title III, Subtitle F.

[20] Ibid., Title VII.

[21] Ibid., Title X, Subtitle A.

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Omnibus Trade and Competitiveness Act of 1988,
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Title III*

TITLE III—INTERNATIONAL FINANCIAL POLICY

SUBTITLE A—EXCHANGE RATES AND INTERNATIONAL ECONOMIC POLICY COORDINATION

SEC. 3001.[53] SHORT TITLE.

This subtitle may be cited as the "Exchange Rates and International Economic Policy Coordination Act of 1988".

SEC. 3002.[54] FINDINGS.

The Congress finds that—

(1) the macroeconomic policies, including the exchange rate policies, of the leading industrialized nations require improved coordination and are not consistent with long-term economic growth and financial stability;

(2) currency values have a major role in determining the patterns of production and trade in the world economy;

(3) the rise in the value of the dollar in the early 1980's contributed substantially to our current trade deficit;

(4) exchange rates among major trading nations have become increasingly volatile and a pattern of exchange rates has at times developed which contribute to substantial and persistent imbalances in the flow of goods and services between nations, imposing serious strains on the world trading system and frustrating both business and government planning;

(5) capital flows between nations have become very large compared to trade flows, respond at times quickly and dramatically to policy and economic changes, and, for these reasons, contribute significantly to uncertainty in financial markets, the volatility of exchange rates, and the development of exchange rates which produce imbalances in the flow of goods and services between nations;

(6) policy initiatives by some major trading nations that manipulate the value of their currencies in relation to the United States dollar to gain competitive advantage continue to create serious competitive problems for United States industries;

(7) a more stable exchange rate for the dollar at a level consistent with a more appropriate and sustainable balance in the United States current account should be a major focus of national economic policy;

(8) procedures for improving the coordination of macroeconomic policy need to be strengthened considerably; and

(9) under appropriate circumstances, intervention by the United States in foreign exchange markets as part of a coordinated international strategic intervention effort could produce more orderly adjustment of foreign exchange markets and, in combination with necessary macroeconomic policy changes, assist adjustment toward a more appropriate and sustainable balance in current accounts.

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*As reproduced in *Legislation on Foreign Relations Through 1988*, Vol. III.

[53] 22 U.S.C. 5301.

[54] 22 U.S.C. 5302.

SEC. 3003.[55] STATEMENT OF POLICY.

It is the policy of the United States that—

(1) the United States and the other major industrialized countries should take steps to continue the process of coordinating monetary, fiscal, and structural policies initiated in the Plaza Agreement of September 1985;

(2) the goal of the United States in international economic negotiations should be to achieve macroeconomic policies and exchange rates consistent with more appropriate and sustainable balances in trade and capital flows and to foster price stability in conjunction with economic growth;

(3) the United States, in close coordination with the other major industrialized countries should, where appropriate, participate in international currency markets with the objective of producing more orderly adjustment of foreign exchange markets and, in combination with necessary macroeconomic policy changes, assisting adjustment toward a more appropriate and sustainable balance in current accounts; and

(4) the accountability of the President for the impact of economic policies and exchange rates on trade competitiveness should be increased.

SEC. 3004.[56] INTERNATIONAL NEGOTIATIONS ON EXCHANGE RATE AND ECONOMIC POLICIES.

(a) MULTILATERAL NEGOTIATIONS.—The President shall seek to confer and negotiate with other countries—

(1) to achieve—

(A) better coordination of macroeconomic policies of the major industrialized nations; and

(B) more appropriate and sustainable levels of trade and current account balances, and exchange rates of the dollar and other currencies consistent with such balances; and

(2) to develop a program for improving existing mechanisms for coordination and improving the functioning of the exchange rate system to provide for long-term exchange rate stability consistent with more appropriate and sustainable current account balances.

(b) BILATERAL NEGOTIATIONS.—The Secretary of the Treasury shall analyze on an annual basis the exchange rate policies of foreign countries, in consultation with the International Monetary Fund, and consider whether countries manipulate the rate of exchange between their currency and the United States dollar for purposes of preventing effective balance of payments adjustments or gaining unfair competitive advantage in international trade. If the Secretary considers that such manipulation is occurring with respect to countries that (1) have material global current account surpluses; and (2) have significant bilateral trade surpluses with the United States, the Secretary of the Treasury shall take action to initiate negotiations with such foreign countries on an expedited basis, in the International Monetary Fund or bilaterally, for the purpose of ensuring that such countries regularly and promptly adjust the rate of exchange between their currencies and the

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[55] 22 U.S.C. 5303.

[56] 22 U.S.C. 5304.

United States dollar to permit effective balance of payments adjustments and to eliminate the unfair advantage. The Secretary shall not be required to initiate negotiations in cases where such negotiations would have a serious detrimental impact on vital national economic and security interests; in such cases, the Secretary shall inform the chairman and the ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Banking, Finance and Urban Affairs of the House of Representatives of his determination.

SEC. 3005. REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED.—In furtherance of the purpose of this title, the Secretary, after consultation with the Chairman of the Board, shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on or before October 15 of each year, a written report on international economic policy, including exchange rate policy. The Secretary shall provide a written update of developments six months after the initial report. In addition, the Secretary shall appear, if requested, before both committees to provide testimony on these reports.

(b) CONTENTS OF REPORT.—Each report submitted under subsection (a) shall contain—

(1) an analysis of currency market developments and the relationship between the United States dollar and the currencies of our major trade competitors;

(2) an evaluation of the factors in the United States and other economies that underlie conditions in the currency markets, including developments in bilateral trade and capital flows;

(3) a description of currency intervention or other actions undertaken to adjust the actual exchange rate of the dollar;

(4) an assessment of the impact of the exchange rate of the United States dollar on—

(A) the ability of the United States to maintain a more appropriate and sustainable balance in its current account and merchandise trade account;

(B) production, employment, and noninflationary growth in the United States;

(C) the international competitive performance of United States industries and the external indebtedness of the United States;

(5) recommendations for any changes necessary in United States economic policy to attain a more appropriate and sustainable balance in the current account;

(6) the results of negotiations conducted pursuant to section 3004;

(7) key issues in United States policies arising from the most recent consultation requested by the International Monetary Fund under article IV of the Fund's Articles of Agreement; and

(8) a report on the size and composition of international capital flows, and the factors contributing to such flows, including,

where possible, an assessment of the impact of such flows on exchange rates and trade flows.

(c) * * *

SEC. 3006.[57] DEFINITIONS.

As used in this subtitle:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(2) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

SUBTITLE B—INTERNATIONAL DEBT

PART I—FINDINGS, PURPOSES, AND STATEMENT OF POLICY

SEC. 3101.[58] SHORT TITLE.

This subtitle may be cited as the "International Debt Management Act of 1988".

SEC. 3102.[59] FINDINGS.

The Congress finds that—

(1) the international debt problem threatens the safety and soundness of the international financial system, the stability of the international trading system, and the economic development of the debtor countries;

(2) orderly reduction of international trade imbalances requires very substantial growth in all parts of the world economy, particularly in the developing countries;

(3) growth in developing countries with substantial external debts has been significantly constrained over the last several years by a combination of high debt service obligations and insufficient new flows of financial resources to these countries;

(4) substantial interest payment-outflows from debtor countries, combined with inadequate net new capital inflows, have produced a significant net transfer of financial resources from debtor to creditor countries;

(5) negative resource transfers at present levels severely depress both investment and growth in the debtor countries, and force debtor countries to reduce imports and expand exports in order to meet their debt service obligations;

(6) current adjustment policies in debtor countries, which depress domestic demand and increase production for export, help to depress world commodity prices and limit the growth of export markets for United States industries;

(7) the United States has borne a disproportionate share of the burden of absorbing increased exports from debtor countries, while other industrialized countries have increased their imports from developing countries only slightly;

(8) current approaches to the debt problem should not rely solely on new lending as a solution to the debt problem, and should focus on other financing alternatives including a reduction in current debt service obligations;

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[57] 22 U.S.C. 5306.

[58] 22 U.S.C. 5321.

[59] 22 U.S.C. 5322.

(9) new international mechanisms to improve the management of the debt problem and to expand the range of financing options available to developing countries should be explored; and

(10) industrial countries with strong current account surpluses have a disproportionate share of the world's capital resources, and bear an additional responsibility for contributing to a viable long-term solution to the debt problem.

SEC. 3103.[60] PURPOSES.

The purposes of this subtitle are—

(1) to expand the world trading system and raise the level of exports from the United States to the developing countries in order to reduce the United States trade deficit and foster economic expansion and an increase in the standard of living throughout the world;

(2) to alleviate the current international debt problem in order to make the debt situation of developing countries more manageable and permit the resumption of sustained growth in those countries; and

(3) to increase the stability of the world financial system and ensure the safety and soundness of United States depository institutions.

SEC. 3104.[61] STATEMENT OF POLICY.

It is the policy of the United States that—

(1) increasing growth in the developing world is a major goal of international economic policy;

(2) it is necessary to broaden the range of options in dealing with the debt problem to include improved mechanisms to restructure existing debt;

(3) active consideration of a new multilateral authority to improve the management of the debt problem and to share the burdens of adjustment more equitably must be undertaken; and

(4) countries with strong current account surpluses bear a major responsibility for providing the financial resources needed for growth in the developing world.

PART II—THE INTERNATIONAL DEBT MANAGEMENT AUTHORITY

SEC. 3111.[62] INTERNATIONAL INITIATIVE.

(a) DIRECTIVE.—

(1) STUDY.—The Secretary of the Treasury shall study the feasibility and advisability of establishing the International Debt Management Authority described in this section.

(2) EXPLANATION OF DETERMINATIONS.—If the Secretary of the Treasury determines that initiation of international discussions with regard to such authority would (A) result in material increase in the discount at which sovereign debt is sold, (B) materially increase the probability of default on such debt, or

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[60] 22 U.S.C. 5323.

[61] 22 U.S.C. 5324.

[62] 22 U.S.C. 5331.

(C) materially enhance the likelihood of debt service failure or disruption, the Secretary shall include in his interim reports to the Congress an explanation in detail of the reasons for such determination.

(3) INITIATION OF DISCUSSIONS.—Unless such a determination is made, the Secretary of the Treasury shall initiate discussions with such industrialized and developing countries as the Secretary may determine to be appropriate with the intent to negotiate the establishment of the International Debt Management Authority, which would undertake to—

(A) purchase sovereign debt of less developed countries from private creditors at an appropriate discount;

(B) enter into negotiations with the debtor countries for the purpose of restructuring the debt in order to—

(i) ease the current debt service burden on the debtor countries; and

(ii) provide additional opportunities for economic growth in both debtor and industrialized countries; and

(C) assist the creditor banks in the voluntary disposition of their Third World loan portfolio.

(b) OBJECTIVES.—In any discussions initiated under subsection (a), the Secretary should include the following specific proposals:

(1) That any loan restructuring assistance provided by such an authority to any debtor nation should involve substantial commitments by the debtor to (A) economic policies designed to improve resource utilization and minimize capital flight, and (B) preparation of an economic management plan calculated to provide sustained economic growth and to allow the debtor to meet its restructured debt obligations.

(2) That support for such an authority should come from industrialized countries, and that greater support should be expected from countries with strong current account surpluses.

(3) That such an authority should have a clearly defined close working relationship with the International Monetary Fund and the International Bank for Reconstruction and Development and the various regional development banks.

(4) That such an authority should be designed to operate as a self-supporting entity, requiring no routine appropriation of resources from any member government, and to function subject to the prohibitions contained in the first sentence of section 3112(a).

(5) That such an authority should have a defined termination date and a clear proposal for the restoration of creditworthiness to debtor countries within this timeframe.

(c) INTERIM REPORTS.—At the end of the 6-month period beginning on the date of enactment of this Act and at the end of the 12-month period beginning on such date of enactment, the Secretary of the Treasury shall submit a report on the progress being made on the study or in discussions described in subsection (a) to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the

Senate, and shall consult with such committees after submitting each such report.

(d) FINAL REPORT.—On the conclusion of the study or of discussions described in subsection (a), the Secretary shall transmit a report containing a detailed description thereof to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate, together with such recommendations for legislation which the Secretary may determine to be necessary or appropriate for the establishment of the International Debt Management Authority.

SEC. 3112.[63] ACTIONS TO FACILITATE CREATION OF THE AUTHORITY.

(a) IN GENERAL.—No funds, appropriations, contributions, callable capital, financial guarantee, or any other financial support or obligation or contingent support or obligation on the part of the United States Government may be used for the creation, operation, or support of the International Debt Management Authority specified in section 3111, without the express approval of the Congress through subsequent law, nor shall any expenses associated with such authority, either directly or indirectly, accrue to any United States person without the consent of such person. Except as restricted in the preceding sentence, the Secretary of the Treasury shall review all potential resources available to the multilateral financial institutions which could be used to support the creation of the International Debt Management Authority. In the course of this review, the Secretary shall direct—

(1) the United States Executive Director of the International Monetary Fund to determine the amount of, and alternative methods by which, gold stock of the Fund which, subject to action by its Board of Governors, could be pledged as collateral to obtain financing for the activities of the authority specified in section 3111; and

(2) the United States Executive Director to the International Bank for Reconstruction and Development to determine the amount of, and alternative methods by which, liquid assets controlled by such Bank and not currently committed to any loan program which, subject to action by its Board of Governors, could be pledged as collateral for obtaining financing for the activities of the authority specified in section 3111.

The Secretary of the Treasury shall include a report on the results of the review in the first report submitted under section 3111(c).

(b) CONSTRUCTION OF SECTION.—Subsection (a) shall not be construed to affect any provision of the Articles of Agreement of the International Monetary Fund or of the International Bank for Reconstruction and Development or any agreement entered into under either of such Agreements.

SEC. 3113.[64] IMF-WORLD BANK REVIEW.

(a) IMF REVIEW.—The United States Executive Director of the International Monetary Fund shall request the management of the

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[63] 22 U.S.C. 5332.

[64] 22 U.S.C. 5333.

International Monetary Fund to prepare a review and analysis of the debt burden of the developing countries, with particular attention to alternatives for dealing with the debt problem including new lending instruments, rescheduling and refinancing of existing debt, securitization and debt conversion techniques, discounted debt repurchases, and the International Debt Management Authority described in section 3111 no later than 1 year after the date of the enactment of this Act.

(b) World Bank Review.—The United States Executive Director to the International Bank for Reconstruction and Development shall request the management of the International Bank for Reconstruction and Development to prepare a review and analysis of the debt burden of the developing countries, with particular attention to alternatives for dealing with the debt problem including new lending instruments, rescheduling and refinancing of existing debt, securitization and debt conversion techniques, discounted debt repurchases, and the International Debt Management Authority described in section 3111 no later than 1 year after the date of the enactment of this Act.

PART III—REGULATORY PROVISIONS AFFECTING INTERNATIONAL DEBT

SEC. 3121. PROVISIONS RELATING TO THE REGULATION OF DEPOSITORY INSTITUTIONS.

(a) Regulatory Objectives.—It is the sense of the Congress that regulations prescribed by Federal banking regulatory agencies which affect the international assets of United States commercial banks should grant the widest possible latitude to the banks for negotiating principal and interest reductions with respect to obligations of heavily indebted sovereign borrowers.

(b) Flexibility in Debt Restructuring.—It is the intent of the Congress that, in applying generally accepted accounting standards, Federal agencies which regulate and oversee the operations of depository institutions (within the meaning given to such term by clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act) apply to such institutions maximum flexibility in determining the asset value of restructured loans to heavily indebted sovereign borrowers and in accounting for the effects of such restructuring prospectively.

(c) Recapitalization.—It is the intent of the Congress that Federal agencies which regulate and oversee the operations of depository institutions (within the meaning given to such term by clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act) should require depository institutions with substantial amounts of loans to heavily indebted sovereign borrowers to seek, as appropriate, expanded recapitalization through equity financing to ensure that prudent institutional capital-to-total asset ratios are established and maintained.

(d) Reserves for Loan Losses.—It is the intent of the Congress that Federal agencies which regulate and oversee the operations of depository institutions (within the meaning given to such term by clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act) should seek to ensure that appropriate levels of reserves be established by depository institutions engaged in substantial lending to heavily indebted sovereign borrowers in accordance with both the credit and country risks associated with such lending.

(e) * * * [65]

SEC. 3122. STUDIES RELATING TO THE REGULATION OF DEPOSITORY INSTITUTIONS.

(a) REGULATORY STUDY REQUIRED.—The Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation shall conduct a study to determine the extent of any regulatory obstacle to negotiated reductions in the debt service obligations associated with foreign debt.

(b) SPECIFIC FACTORS TO BE STUDIED.—The study required by subsection (a) shall include an analysis of regulatory and accounting obstacles to various forms of debt restructuring, including negotiated interest reduction, the amortization of loan losses, securitization and debt conversion techniques, and discounted debt repurchases, as well as an analysis of the profitability of commercial bank lending to developing countries during the 10-year period ending on December 31, 1986. The analysis should include an assessment of the impact of the various forms of debt restructuring on the development of a secondary market in developing country debt and on the safety and soundness of the United States banking system.

(c) REPORT REQUIRED.—Within 6 months after the date of the enactment of this Act, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation shall transmit to the Congress a report containing the findings and conclusions of such agencies with respect to the study required under subsection (a), together with any recommendations concerning legislation which such agencies determine to be necessary or appropriate to remove regulatory obstacles to negotiated reductions in the debt service obligations associated with sovereign debt.

SEC. 3123. LIMITED PURPOSE SPECIAL DRAWING RIGHTS FOR THE POOREST HEAVILY INDEBTED COUNTRIES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the directors and staff of the International Monetary Fund and such other interested parties as the Secretary may determine to be appropriate, shall conduct a study of the feasibility and the efficacy of reducing the international debt of the poorest of the heavily indebted countries through a one-time allocation by the International Monetary Fund of limited purpose Special Drawing Rights to such countries in accordance with a plan which provides that—

(A) the allocation be made without regard to the quota established for any such country under the Articles of Agreement of the Fund;

(B) limited purpose Special Drawing Rights be used only to repay official debt of any such country;

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[65] Subsec. (e) amends sec. 913 of the International Lending Supervision Act of 1983.

(C) the allocation of limited purpose Special Drawing Rights to any such country not be treated as an allocation on which such country must pay interest to the Fund; and

(D) the use of limited purpose Special Drawing Rights by any such country to repay official debt shall be treated as an allocation of regular Special Drawing Rights to the creditor.

(2) ADDITIONAL FACTORS TO BE STUDIED.—The study required under paragraph (1) shall include the following:

(A) To the extent the creation and allocation of the limited purpose Special Drawing Rights described in paragraph (1) would require an amendment of the Articles of Agreement of the International Monetary Fund, an assessment of the period of time within which such amendment could be ratified by the member nations, based on discussions with the major members of the Fund.

(B) An assessment of other means for achieving the objectives of principal and interest reduction on official debt of the poorest heavily indebted countries through the use of Special Drawing Rights.

(C) A comparative evaluation of proposals of other members of the International Monetary Fund, the directors and staff of the Fund, and other interested parties.

(D) An analysis of the effect the implementation of the provisions in paragraph (1) would have on bilateral and multilateral lenders, the international monetary system, and such other provisions of this Act as may be appropriate.

(E) A comparative analysis of the available alternatives identified under subparagraph (B) or (C).

(b) REPORT REQUIRED.—Within 3 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate containing the findings and conclusions of the Secretary pursuant to the study required under subsection (a), together with—

(1) the recommendation of the Secretary as to which, of all the alternatives for providing relief for the poorest of the heavily indebted countries which were assessed in connection with such study, represents the best available option; and

(2) recommendations for such legislation and administrative action as the Secretary determines to be necessary and appropriate to implement such option.

SUBTITLE C—MULTILATERAL DEVELOPMENT BANKS

SEC. 3201. SHORT TITLE.

This subtitle may be cited as the "Multilateral Development Banks Procurement Act of 1988".

SEC. 3202. MULTILATERAL DEVELOPMENT BANK PROCUREMENT.

(a) EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to attach a high priority to promoting opportunities for exports for goods and services from the United States and, in carrying out this function, to investigate thoroughly any complaints from United States bidders about the awarding of procurement contracts by the multilateral development banks to ensure that all contract procedures and rules of the banks are observed and that United States firms are treated fairly.

(b) OFFICER OF PROCUREMENT.—

(1) ESTABLISHMENT.—The Secretary of the Treasury shall designate, within the Office of International Affairs in the Department of the Treasury, an officer of multilateral development bank procurement.

(2) FUNCTION.—The officer shall act as the liaison between the Department of the Treasury, the Department of Commerce, and the United States Executive Directors' offices in the multilateral development banks, in carrying out this section. The officer shall cooperate with the Department of Commerce in efforts to improve opportunities for multilateral development bank procurement by United States companies.

(b) MULTILATERAL DEVELOPMENT BANK DEFINED.—As used in this section, the term "multilateral development bank" includes the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the InterAmerican Investment Corporation, the Asian Development Bank, the African Development Bank, and the African Development Fund.

SUBTITLE D—EXPORT-IMPORT BANK AND TIED AID CREDIT AMENDMENTS

SEC. 3301. SHORT TITLE.

This subtitle may be cited as the "Export-Import Bank and Tied Aid Credit Amendments of 1988".

SEC. 3302. PROVISIONS RELATING TO TIED AID CREDIT.

(a) FINDINGS.—The Congress finds that—

(1) negotiations have led to an international agreement to increase the grant element required in tied aid credit offers;

(2) concern continues to exist that countries party to the agreement may continue to offer tied aid credits that deviate from the agreement;

(3) in such cases, the United States could continue to lose export sales in connection with the aggressive, and in some cases, unfair, tied aid practices of such countries; and

(4) in such cases, the Export-Import Bank of the United States should continue to use the Tied Aid Credit Fund established by section 15(c) of the Export-Import Bank Act of 1945 to discourage the use of such predatory financing practices.

(b) * * *

(c) REPORT.—

(1) IN GENERAL.—On or before December 31, 1988, the President and Chairman of the Export-Import Bank of the United States, in cooperation with other appropriate government agencies, shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a written report identifying and analyzing the tied aid credit practices of other countries and shall make recommendations for dealing with such practices.

(2) CONSULTATION.—In preparing the report described in paragraph (1), the Export-Import Bank shall consult with appropriate international organizations such as the International Bank for Reconstruction and Development, the International Monetary Fund, and the Development Assistance Committee of the Organization for Economic Cooperation and Development, and with the countries which are party to the Arrangement on Guidelines for Officially Supported Export Credits adopted by the Organization for Economic Cooperation and Development in November 1987.

SEC. 3303. REPORT ON UNITED STATES EXPORTS TO DEVELOPING COUNTRIES.

Within 90 days after the date of the enactment of this Act, the President and Chairman of the Export-Import Bank of the United States shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a written report which contains—

(1) an assessment of the effectiveness of recent program changes in increasing United States exports to developing countries; and

(2) an identification of additional specific policy and program changes which—

(A) would enable the Bank to increase the financing of United States exports to developing countries; and

(B) would encourage greater private sector participation in such financing efforts.

SUBTITLE F—PRIMARY DEALERS

SEC. 3501.[68] SHORT TITLE.

This subtitle may be cited as the "Primary Dealers Act of 1988".

SEC. 3502.[69] REQUIREMENT OF NATIONAL TREATMENT IN UNDERWRITING GOVERNMENT DEBT INSTRUMENTS.

(a) FINDINGS.—The Congress finds that—

(1) United States companies can successfully compete in foreign markets if they are given fair access to such markets;

(2) a trade surplus in services could offset the deficit in manufactured goods and help lower the overall trade deficit significantly;

(3) in contrast to the barriers faced by United States firms in Japan, Japanese firms generally have enjoyed access to United States financial markets on the same terms as United States firms; and

(4) United States firms seeking to compete in Japan face or have faced a variety of discriminatory barriers effectively precluding such firms from fairly competing for Japanese business, including—

(A) limitations on membership on the Tokyo Stock Exchange;

(B) high fixed commission rates (ranging as high as 80 percent) which must be paid to members of the exchange by nonmembers for executing trades;

(C) unequal opportunities to participate in and act as lead manager for equity and bond underwritings;

(D) restrictions on access to automated teller machines;

(E) arbitrarily applied employment requirements for opening branch offices;

(F) long delays in processing applications and granting approvals for licenses to operate; and

(G) restrictions on foreign institutions' participation in Ministry of Finance policy advisory councils.

(b) DESIGNATION OF CERTAIN PERSONS AS PRIMARY DEALERS PROHIBITED.—

(1) GENERAL RULE.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, any person of a foreign country as a primary dealer in government debt instruments if such foreign country does not accord to United States companies the same competitive opportunities in the underwriting and distribution of government debt instruments issued by such country as such country accords to domestic companies of such country.

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[68] 22 U.S.C. 5341.

[69] 22 U.S.C. 5342.

(2) CERTAIN PRIOR ACQUISITIONS EXCEPTED.—Paragraph (1) shall not apply to the continuation of the prior designation of a company as a primary dealer in government debt instruments if—

(A) such designation occurred before July 31, 1987; and

(B) before July 31, 1987—

(i) control of such company was acquired from a person (other than a person of a foreign country) by a person of a foreign country; or

(ii) in conjunction with a person of a foreign country, such company informed the Federal Reserve Bank of New York of the intention of such person to acquire control of such company.

(c) EXCEPTION FOR COUNTRIES HAVING OR NEGOTIATING BILATERAL AGREEMENTS WITH THE UNITED STATES.—Subsection (b) shall not apply to any person of a foreign country if—

(1) that country, as of January 1, 1987, was negotiating a bilateral agreement with the United States under the authority of section 102(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2112(b)(4)(A)); or

(2) that country has a bilateral free trade area agreement with the United States which entered into force before January 1, 1987.

(d) PERSON OF A FOREIGN COUNTRY DEFINED.—For purposes of this section, a person is a "person of a foreign country" if that person, or any other person which directly or indirectly owns or controls that person, is a resident of that country, is organized under the laws of that country, or has its principal place of business in that country.

(e) EFFECTIVE DATE.—This section shall take effect 12 months after the date of the enactment of this Act.

SUBTITLE G—FINANCIAL REPORTS

SEC. 3601.[70] SHORT TITLE.

This subtitle may be cited as the "Financial Reports Act of 1988".

SEC. 3602.[71] QUADRENNIAL REPORTS ON FOREIGN TREATMENT OF UNITED STATES FINANCIAL INSTITUTIONS.

Not less frequently than every 4 years, beginning December 1, 1990, the Secretary of the Treasury, in conjunction with the Secretary of State, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, and the Department of Commerce, shall report to the Congress on (1) the foreign countries from which foreign financial services institutions have entered into the business of providing financial services in the United States, (2) the kinds of financial services which are being offered, (3) the extent to which foreign countries deny national treatment to United States banking organizations and securities companies, and (4) the efforts undertaken by the United States to eliminate such discrimination. The report shall focus on those countries in which there are significant denials of national treatment which impact United States financial firms. The report shall also describe the progress of discussions pursuant to section 3603.

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[70] 22 U.S.C. 5351.

[71] 22 U.S.C. 5352.

SEC. 3603.[72] FAIR TRADE IN FINANCIAL SERVICES.

(a) DISCUSSIONS.—When advantageous the President or his designee shall conduct discussions with the governments of countries that are major financial centers, aimed at:

(1) ensuring that United States banking organizations and securities companies have access to foreign markets and receive national treatment in those markets;

(2) reducing or eliminating barriers to, and other distortions of, international trade in financial services;

(3) achieving reasonable comparability in the types of financial services permissible for financial service companies; and

(4) developing uniform supervisory standards for banking organizations and securities companies, including uniform capital standards.

(b) CONSULTATION BEFORE DISCUSSIONS.—Before entering into those discussions, the President or his designee shall consult with the committees of jurisdiction in the Senate and the House of Representatives.

(c) RECOMMENDATIONS.—After completing those discussions and after consultation with the committees of jurisdiction, the President shall transmit to the Congress any recommendations that have emerged from those discussions. Any recommendations for changes in United States financial laws or practices shall be accompanied by a description of the changes in foreign financial laws or practices that would accompany action by the Congress, and by an explanation of the benefits that would accrue to the United States from adoption of the recommendations.

(d) CONSTRUCTION OF SECTION.—Nothing in this section may be construed as prior approval of any legislation which may be necessary to implement any recommendations resulting from discussions under this section.

SEC. 3604.[73] BANKS LOAN LOSS RESERVES.

The Federal Reserve Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report on the issues raised by including loan loss reserves as part of banks' primary capital for regulatory purposes by March 31, 1989. Such report shall include a review of the treatment of loan loss reserves and the composition of primary capital of banks in other major industrialized countries, and shall include an analysis as to whether loan loss reserves should continue to be counted as primary capital for regulatory purposes.

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[72] 22 U.S.C. 5353.

[73] 22 U.S.C. 5354.

K. International Sugar Agreement, 1977, Implementation (Public Law 96-236, April 22, 1980), as amended

Public Law 96-236 [H.R. 6029], 94 Stat. 336, approved April 22, 1980[1] as amended by Public Law 97-446 [H.R. 4566], 96 Stat. 2329 at 2344, approved January 12, 1983

AN ACT Providing for the implementation of the International Sugar Agreement, 1977, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Definitions.

For purposes of this Act—

(1) The term "Agreement" means the International Sugar Agreement, 1977, signed at New York City on December 9, 1977.

(2) The term "sugar" has the same meaning as is given to such term in paragraph (12) of Article 2 of the Agreement.

(3) The term "entry" means entry, or withdrawal from warehouse, for consumption in the customs territory of the United States.

Sec. 2. Implementation of Agreement.

On and after the entering into force of the Agreement with respect to the United States, and for such period before January 1, 1985,[2] as the Agreement remains in force, the President may, in order to carry out and enforce the provisions of the Agreement—

(1) regulate the entry of sugar by appropriate means, including, but not limited to—

(A) the imposition of limitations on the entry of sugar which is the product of foreign countries, territories, or areas not members of the International Sugar Organization, and

(B) the prohibition of the entry of any shipment or quantity of sugar not accompanied by a valid certificate of contribution or such other documentation as may be required under the Agreement;

(2) require of appropriate persons the keeping of such records, statistics, and other information, and the submission of such reports, relating to the entry, distribution, prices, and consumption of sugar and alternative sweeteners as he may from time to time prescribe; and

(3) take such other action, and issue and enforce such rules or regulations, as he may consider necessary or appropriate in

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[1] 7 U.S.C. 3601-3606.

[2] Sec. 153 of Public Law 97-446 (96 Stat. 2344) extended this date from Jan. 1, 1983, to Jan. 1, 1985.

order to implement the rights and obligations of the United States under the Agreement.

Sec. 3. Delegation of Powers and Duties.

The President may exercise any power or duty conferred on him by this Act through such agencies or offices of the United States as he shall designate. Such agencies or offices shall issue such regulations as they determine are necessary to implement this Act.

Sec. 4. Criminal Offenses.

Any person who—

(1) knowingly fails to keep any information, or to submit any report, required under section 2;

(2) submits any report under section 2 knowing that the report or any part thereof is false; or

(3) knowingly violates any rule or regulation issued to carry out this Act;

is guilty of an offense and upon conviction thereof is punishable by a fine of not more than $1,000.

Sec. 5. Report to Congress.

The President shall submit to Congress, on or before May 1 and November 1 of each year, a report on the operation and effect of the agreement during the immediately preceding six-month period. Unless otherwise published on a regular basis by an agency of the United States, the report shall contain, but not be limited to—

(1) information with respect to world and domestic sugar demand, supplies, and prices during the period concerned;

(2) projections with respect to world and domestic sugar demand, supplies, and prices; and

(3) a summary of the international and domestic actions taken during the period concerned under the Agreement and under domestic legislation to protect the interests of United States consumers and producers of sugar.

Sec. 6. Protection of Interests of United States Consumers.

The powers and duties conferred by sections 2 and 3 shall be exercised in the manner the President considers appropriate to protect the interests of United States consumers. If the President determines that there has been an unwarranted increase in the price of sugar due in whole or in part to the Agreement, or to market manipulation by two or more members of the International Sugar Organization, the President shall request the International Sugar Council or the Executive Committee to increase supplies of sugar available to world markets by suspending sugar export quotas or to take any other appropriate action, and, at the same time, shall report that determination to the Congress. If the International Sugar Council fails to take corrective action to remedy the situation within a reasonable time after such request, the President shall submit to the Congress such recommendations as he may consider appropriate to correct the situation. In the event that members of the International Sugar Organization involved in market manipulation which has resulted in price increases have failed to remedy the situation within a reasonable time after a request for remedy, the exercise of the authority set forth in section 2 shall be suspended until the President determines that effective market manipulation activities have ceased.

L. Recent Legislation

1. Foreign Assistance Act of 1961 (P.L. 87-195, September 4, 1961) as amended

Sec. 534.[475] **Administration of Justice.**—(a) The President may furnish assistance under this chapter to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in countries in Latin America and the Caribbean.

(b) Assistance under this section may only include—

(1) support for specialized professional training, scholarships, and exchanges for continuing legal education;

(2) programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases;

(3)[476] notwithstanding section 660 of this Act—

(A) programs to enhance professional capabilities to carry out investigative and forensic functions conducted under judicial or prosecutorial control;

(B) programs to assist in the development of academic instruction and curricula for training law enforcement personnel;

(C) programs to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel evaluation, and internal discipline procedures; and

(D) programs, conducted through multilateral or regional institutions, to improve penal institutions and the rehabilitation of offenders;

(4) strengthening professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform;

(5) increasing the availability of legal materials and publications;

(6) seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and internationally recognized human rights; and

(7) revision and modernization of legal codes and procedures.

(c) Not more than $20,000,000 of the funds made available to carry out this chapter for any fiscal year shall be available to carry out this section, in addition to amounts otherwise available for such purposes.

(d) Funds may not be obligated for assistance under this section unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the amount and nature of the proposed assistance at least 15 days in advance in accordance with the procedures applicable to reprogrammings pursuant to section 634A of this Act.

(e)[477] Personnel of the Department of Defense and members of the United States Armed Forces may not participate in the provision of training under this section. Of the funds made available to carry out this section, not more than $7,000,000 may be made available in each of fiscal years 1988 and 1989 to carry out the provisions of subsection (b)(3) of this section. The authority of this section shall expire on September 30, 1989.

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[475] 22 U.S.C. 2346c. Sec. 534 was added by sec. 712 of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 244).

[476] Paragraph (3) was amended by sec. 579 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Continuing Appropriations for 1988, Public Law 100–202, 101 Stat. 1329). It previously read as follows: "(3) notwithstanding section 660 of this Act, programs to enhance investigative capabilities, conducted under judicial or prosecutorial control".

[477] Subsec. (e) was substantively amended by sec. 579 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Continuing Appropriations for 1988, Public Law 100–202, 101 Stat. 1329). Previously, it had only set an expiration date of September 30, 1987.

2. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, Sec. 101(e) of the Continuing Appropriations for 1988 (P.L. 100-202, Dec. 22, 1987)

SUDAN, ECUADOR, AND JAMAICA NOTIFICATION REQUIREMENTS

SEC. 546. None of the funds appropriated in this Act shall be obligated or expended for Sudan, Jamaica or for Ecuador except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION TO CONGRESS ON DEBT RELIEF AGREEMENTS

SEC. 563. The Secretary of State shall transmit to the Appropriations Committees of the Congress and to such other Committees as appropriate, a copy of the text of any agreement with any foreign government which would result in any debt relief no less than thirty days prior to its entry into force, other than one entered into pursuant to this Act, together with a detailed justification of the interest of the United States in the proposed debt relief: *Provided*, That the term "debt relief" shall include any and all debt prepayment, debt rescheduling, and debt restructuring proposals and agreements.

TRAINING ASSISTANCE FOR ARGENTINA AND BRAZIL

SEC. 588. (a) EXEMPTION FROM CERTAIN PROHIBITIONS.—Section 638 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" before "No"; and

(2) by adding at the end the following:

"(b) No provision of this Act or any other provision of law shall be construed to prohibit assistance for any training activity which is funded under this Act for Brazil or Argentina as long as such country continues to have a democractically elected government and the assistance is otherwise consistent with sections 116, 502B, 620(f), 620A, and 660 of this Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

3. Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (P.L. 100-204, December 22, 1987)

SEC. 110.[19] LATIN AMERICAN AND CARIBBEAN DATA BASES.

(a) AUTHORIZATION.—The Secretary of State, in consultation with the heads of appropriate departments and agencies of the United States, shall use not less than $1,300,000 of the funds authorized to be appropriated for each of the fiscal years 1988 and 1989 by section 101(a)(1) of this Act to provide for the establishment of a Latin American and Caribbean Data Base.

(b) CONDITIONS.—In developing these data bases the Secretary of State shall be required to satisfy the following conditions:

(1) Any new agreement for an on-line bibliographic data base entered into for purposes of this section shall be subject to full and open competition or merit review among qualified United States institutions with strong Latin American and Caribbean programs.

(2) The Secretary shall ensure that funds are not awarded to maintain services which are significantly duplicative of existing services.

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[19] In appropriating funds for "Salaries and Expenses", the Department of State Appropriation Act, 1988 (sec. 101(a) of the Continuing Appropriations for 1988, Public Law 100-202, 101 Stat. 1329), and the Department of State Appropriations Act, 1989 (Public Law 100-459, 102 Stat. 2204), waived sec. 110 for fiscal years 1988 and 1989.

VII. MAJOR U.S. LEGISLATION AND AGREEMENTS RELATED TO SPECIFIC SUB-REGIONS AND COUNTRIES*

A.1. Argentina

Foreign Assistance Act of 1961 (Public Law 87-195), as amended, added by Sec. 11 of the International Security Assistance and Arms Export Control Act of 1977 (Public Law 95-92, Aug. 4, 1977)

Sec. 620(B)

Sec. 620B.[532] **Prohibition Against Assistance and Sales to Argentina.**—After September 30, 1978—

(1) no assistance may be furnished under chapter 2, 4, 5, or 6 of part II of this Act to Argentina;[533]

(2) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Argentina;

(3) no sales of defense articles or services may be made under the Arms Export Control Act to Argentina; and

(4) no export licenses may be issued under section 38 of the Arms Export Control Act to or for the Government of Argentina.[534]

A.2. Argentina

International Security and Development Cooperation Act of 1981 (Public Law 97-113, December 29, 1981)

Sec. 725

ASSISTANCE AND SALES FOR ARGENTINA

Sec. 725. (a) Section 620B of the Foreign Assistance Act of 1961 is repealed.

(b)[20] Notwithstanding any other provision of law, assistance may be provided to Argentina under chapter 2, 4, 5, or 6 of part II of the Foreign Assistance Act of 1961, credits (including participations in credits) may be extended and loans may be guaranteed with respect to Argentina under the Arms Export Control Act, defense articles and defense services may be sold to Argentina under the Arms Export Control Act, and export licenses may be issued to or for the Government of Argentina under section 38 of the Arms Export Control Act, only if the President has submitted to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report certifying that—

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* International Narcotics Control Assistance and Cooperation Legislation has been kept intact in the previous section, including references to specific countries. As a result, country specific provisions of that legislation are not included in this section.

[532] 22 U.S.C. 2372. Sec. 620B was added by Sec. 11 of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 619).

[533] The reference to chapter 6 was added by Sec. 12(c)(1) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 737).

[534] Sec. 210 of Public Law 95-240 (92 Stat. 118) provides that any export licenses referred to in this section which were "issued initially on or before September 30, 1978 may from time to time thereafter be renewed, reissued or modified (or in the event of lapse of such license, replacement licenses may be issued), provided that any such renewal, reissuance or modification (or any such replacement license) does not change significantly any such license as initially issued."

(1) the Government of Argentina made significant progress in complying with internationally recognized principles of human rights; and

(2) the provision of such assistance, credits, loan guarantees, defense articles, defense services, or export licenses is in the national interests of the United States.

(c) The Congress welcomes the actions of the Government of Argentina to adjudicate numerous cases of those detained under the national executive power of the Argentine Government, and the Congress hopes that progress will continue, especially with regard to providing information on citizens listed as "disappeared" and prisoners remaining at the disposition of the national executive power. In the process of making the determination required in paragraph (1) of subsection (b), among other things, the President shall consider—

(1) efforts by the Government of Argentina to provide information on citizens identified as "disappeared"; and

(2) efforts by the Government of Argentina to release or bring to justice those prisoners held at the disposition of the national executive power (PEN).

A.3. Argentina

Department of State Authorization Act, Fiscal Years 1984 and 1985, (Public Law 98-164, November 22, 1983)

Sec. 1007

POLICY TOWARD THE EXPORT OF NUCLEAR-RELATED EQUIPMENT, MATERIALS, OR TECHNOLOGY TO INDIA, ARGENTINA, AND SOUTH AFRICA

Sec. 1007. (a) It is the sense of Congress that the United States Government should disapprove the export of, and should suspend or revoke approval for the export of, any nuclear-related equipment, material, or technology, including nuclear components and heavy water, to the Government of India, Argentina, or South Africa until such time as such government gives the Government of the United States stronger nuclear nonproliferation guarantees. Such guarantees should include—

(1) reliable assurances by such government that it is not engaged in any program leading to the development, testing, or detonation of nuclear explosive devices; and

(2) agreement by such government to accept international safeguards on all its nuclear facilities.

(b) If the President determines, in the case of India's Tarapur reactor, while it is under International Atomic Energy Agency inspection, that certain equipment or non-nuclear material or technology is necessary for humanitarian reasons to protect the health and safety of operations and is not available from a foreign supplier, the President may authorize the export of such equipment or non-nuclear material or technology.

B. Central America and Caribbean Regions (Caribbean Basin Initiative)

1. Supplemental Appropriations Act, 1982, (Public Law 97-257, September 10, 1982) Chapter VI

Partial text of Public Law 97-257 [H.R. 6863], 96 Stat. 818, passed over the President's veto September 10, 1982

AN ACT Making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, namely:

TITLE I

* * * * * * *

Chapter VI

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

Agency for International Development

Economic Support Fund

CARIBBEAN BASIN INITIATIVE

For an additional amount for necessary expenses to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $350,000,000, to remain available until March 31, 1983, notwithstanding section 10 of Public Law 91-672: *Provided,* That the funds in this paragraph shall be available only to the extent and in the manner provided as follows: not less than $20,000,000 for the Eastern Caribbean; not less than $41,000,000 for the Dominican Republic; not less than $10,000,000 for Haiti; not less than $50,000,000 for Jamaica; not less than $10,000,000 for Belize; not less than $70,000,000 for Costa Rica; not more than $10,000,000 for Guatemala; not less than $35,000,000 for Honduras; not more than $75,000,000 for El Salvador; not less than $2,000,000 for the American Institute for Free Labor Development; not less than $2,000,000 for the Inter-American Foundation; and $25,000,000 unallocated: *Provided further,* That none of the funds appropriated for this purpose may be obligated until September 15, 1982, or until the enactment of authorizing legislation, whichever comes first: *Provided further,* That none of the funds appropriated under this heading and made available only for a country referred to in the first proviso may be available for such country while such country is not taking adequate steps to cooperate with the United States, as certified monthly by the President to the Congress, to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812)) which are produced, processed, or transported in such country from entering the United States unlawfully. Notwithstanding any other provision of this Act, none of the funds appropriated in this paragraph may be obligated or expended in any manner inconsistent with the policy hereby reaffirmed, which is stated in S.J. Res. 230 (76 Stat. 697), to wit:

"Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers 'To extend their system to any portion of this Hemisphere as dangerous to our peace and safety'; and

"Whereas in the Rio Treaty of 1947 the parties agreed that 'an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations'; and

"Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: 'The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union'; and

"Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

"(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

"(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

"(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.".

Nothing in this Act shall be deemed to change or otherwise affect the standards and procedures provided in the National Security Act of 1947, as amended; the Foreign Assistance Act of 1961, as amended; and the War Powers Resolution of 1973. This Act does not constitute the statutory authorization for introduction of United States Armed Forces contemplated by the War Powers Resolution.

2. Interest and Dividend Tax Compliance Act of 1983, (Public Law 98-67, August 5, 1983), as amended Title II

Caribbean Basin Economic Recovery Act

Partial text of Public Law 98-67 [H.R. 2973], 97 Stat. 369, approved August 5, 1983, as amended by Public Law 98-573 [H.R. 3398], 98 Stat. 2948 at 2992, approved October 30, 1984; by Public Law 99-514 [Tax Reform Act of 1986; H.R. 3838], 100 Stat. 2085 at 2926, approved October 22, 1986; by Public Law 99-570 [Anti-Drug Abuse Act of 1986, H.R. 5484], 100 Stat. 3207, approved October 27, 1986; by Public Law 100-418 [Omnibus Trade and Competitiveness Act of 1988; H.R. 4848], 102 Stat. 1107, approved August 23, 1988; and by Public Law 100-647 [Technical and Miscellaneous Revenue Act of 1988; H.R. 4333], 102 Stat. 3342, approved November 10, 1988

AN ACT To promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region, to provide for backup withholding of tax from interest and dividends, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INTEREST AND DIVIDEND TAX COMPLIANCE

* * * * * * *

TITLE II—CARIBBEAN BASIN INITIATIVE [1]

SEC. 201. SHORT TITLE.

This title may be cited as the "Caribbean Basin Economic Recovery Act".

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[1] Sec. 1909 of Public Law 100-418 (Omnibus Trade and Competitiveness Act of 1988; 102 Stat. 1317) contained the following:

"SEC. 1909. CARIBBEAN BASIN INITIATIVE.

"(a) FINDINGS.—The Congress finds that—

"(1) Caribbean and Central American countries historically have had close economic, political, and cultural ties to the United States;

"(2) promoting economic and political stability in the Caribbean and Central America is in the national security interests of the United States;

"(3) the economic and political stability of the nations of the Caribbean and Central America can be strengthened significantly by the attraction of foreign and domestic investment specifically devoted to employment generation; and

"(4) the diversification of the economies and expansion of exports, particularly those of a non-traditional nature, of the nations of the Caribbean and Central America is linked directly to fair access to the markets of the United States.

"(b) INTENT OF THE CONGRESS.—The Congress hereby expresses its intention to ensure that—

"(1) the trade elements of the Caribbean Basin Initiative be strengthened in a manner consistent with the promotion of economic and political stability in the Caribbean and Central America;

"(2) to the extent that Congress imposes changes that are intended to improve the competitive environment for United States industry and workers, such changes do not unduly affect the unilateral duty-free trade system available to the beneficiary countries designated under the Caribbean Basin Economic Recovery Act, and

"(3) generic changes in the trade laws of the United States do not discriminate against imports from designated beneficiary countries in relation to imports from other United States trading partners."

SUBTITLE A—DUTY-FREE TREATMENT

SEC. 211.[2] AUTHORITY TO GRANT DUTY-FREE TREATMENT.

The President may proclaim duty-free treatment for all eligible articles from any beneficiary country in accordance with the provisions of this title.

SEC. 212.[3] BENEFICIARY COUNTRY.

(a)(1) For purposes of this title—

(A) The term "beneficiary country" means any country listed in subsection (b) with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of this title. Before the President designates any country as a beneficiary country for purposes of this title, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(B) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(C) The term "HTS" means Harmonized Tariff Schedule of the United States[4] (19 U.S.C. 1202).

(2) If the President has designated any country as a beneficiary country for purposes of this title, he shall not terminate such designation (either by issuing a proclamation for that purpose or by issuing a proclamation which has the effect of terminating such designation) unless, at least sixty days before such termination, he has notified the House of Representatives and the Senate and has notified such country of his intention to terminate such designation, together with the considerations entering into such decision.

(b) In designating countries as "beneficiary countries" under this title the President shall consider only the following countries and territories or successor political entities:

Anguilla
Antigua and Barbuda
Bahamas, The
Barbados
Belize
Cayman Islands
Costa Rica
Dominica
Dominican Republic
El Salvador
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Montserrat
Netherlands Antilles
Nicaragua
Panama
Saint Lucia
Saint Vincent and the Grenadines
Suriname
Trinidad and Tobago
Saint Christopher-Nevis
Turks and Caicos Islands
Virgin Islands, British

In addition, the President shall not designate any country a beneficiary country under this title—

(1) if such country is a Communist country;

(2) if such country—

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[2] 19 U.S.C. 2701. Pursuant to the authority vested in him by sec. 211, the President issued Proclamation 5133 on Nov. 30, 1983, implementing the duty-free treatment provided in accordance with the provisions of this Act.

[3] 19 U.S.C. 2702.

[4] Sec. 1214(q)(1) of Public Law 100–418 (102 Stat. 1159) substituted the text "HTS means Harmonized Tariff Schedule of . . . " in lieu of "TSUS means Tariff Schedules of . . . ".

(A) has nationalized, expropriated or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify—

(i) any existing contract or agreement with, or

(ii) any patent, trademark, or other intellectual property of,

a United States citizen or a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good-faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association, over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and

promptly furnishes a copy of such determination to the Senate and House of Representatives;

(3) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership or association which is 50 per centum or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute;

(4) if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to him that such preferential treatment will be eliminated or that action will be taken to assure that there will be no such significant adverse effect, and he reports those assurances to the Congress;

(5) if a government-owned entity in such country engages in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent; and

(6)[5] unless such country is a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of United States citizens.

Paragraphs (1), (2), (3), and (5) shall not prevent the designation of any country as a beneficiary country under this Act if the President determines that such designation will be in the national economic or security interest of the United States and reports such determination to the Congress with his reasons therefor.

(c) In determining whether to designate any country a beneficiary country under this title, the President shall take into account—

(1) an expression by such country of its desire to be so designated;

(2) the economic conditions in such country, the living standards of its inhabitants, and any other economic factors which he deems appropriate;

(3) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country;

(4) the degree to which such country follows the accepted rules of international trade provided for under the General Agreement on Tariffs and Trade, as well as applicable trade agreements approved under section 2(a) of the Trade Agreements Act of 1979;[6]

(5) the degree to which such country uses export subsidies or imposes export performance requirements or local content requirements which distort international trade;

(6) the degree to which the trade policies of such country as they relate to other beneficiary countries are contributing to the revitalization of the region;

(7) the degree to which such country is undertaking self-help measures to promote its own economic development;

(8) the degree to which workers in such country are afforded reasonable workplace conditions and enjoy the right to organize and bargain collectively;

(9) the extent to which such country provides under its law adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive rights in intellectual property, including patent, trademark, and copyright rights;

(10) the extent to which such country prohibits its nationals from engaging in the broadcasts of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent; and

(11) the extent to which such country is prepared to cooperate with the United States in the administration of the provisions of this title.

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[6] Sec. 9002 of Public Law 99-570, 100 Stat. 3207-166 deleted former para. (6) and renumbered para. (7) as (6).

(d) General headnote 3(a) of the TSUS (relating to products of the insular possessions) is amended by adding at the end thereof the following paragraph:

"(iv) Subject to the provisions in section 213 of the Caribbean Basin Economic Recovery Act, articles which are imported from insular possessions of the United States shall receive duty treatment no less favorable than the treatment afforded such articles when they are imported from a beneficiary country under such Act.".

(e) [7](1) The President may, after the requirements of subsection (a)(2) and paragraph (2) have been met—

(A) withdraw or suspend the designation of any country as a beneficiary country, or

(B) withdraw, suspend, or limit the application of duty-free treatment under this subtitle to any article of any country,

if, after such designation, the President determines that as a result of changed circumstances such country would be barred from designation as a beneficiary country under subsection (b).

(2)(A) The President shall publish in the Federal Register notice of the action the President proposes to take under paragraph (1) at least 30 days prior to taking such action.

(B) The United States Trade Representative shall, within the 30-day period beginning on the date on which the President publishes under subparagraph (A) notice of proposed action—

(i) accept written comments from the public regarding such proposed action,

(ii) hold a public hearing on such proposed action, and

(iii) publish in the Federal Register—

(I) notice of the time and place of such hearing prior to the hearing, and

(II) the time and place at which such written comments will be accepted.

SEC. 213.[8] ELIGIBLE ARTICLES.

(a)(1) Unless otherwise excluded from eligibility by this title, and subject to section 423 of the Tax Reform Act of 1986,[9] the duty-free treatment provided under this title shall apply to any article which is the growth, product, or manufacture of a beneficiary country if—

(A) that article is imported directly from a beneficiary country into the customs territory of the United States; and

(B) the sum of (i) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries, plus (ii) the direct costs of processing operations performed in a beneficiary country or countries is not less than 35 per centum of the appraised value of such article at the time it is entered.

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[7] Subsec. (e) was amended and restated by sec. 1909(c) of Public Law 100-418 (102 Stat. 1318). Subsec. (e) previously read as follows:

"(e) The President shall, after complying with the requirements of subsection (a)(2), withdraw or suspend the designation of any country as a beneficiary country if, after such designation, he determines that as the result of changed circumstances such country would be barred from designation as a beneficiary country under subsection (b)."

[8] 19 U.S.C. 2703.

[9] The words to this point beginning with "and" were added by sec. 423(f) of Public Law 99-514 (100 Stat. 2232).

For purposes of determining the percentage referred to in subparagraph (B), the term "beneficiary country" includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which this paragraph applies, an amount not to exceed 15 per centum of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (B).

(2) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this subsection including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone—

(A) simple combining or packaging operations, or

(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(3) As used in this subsection, the phrase "direct costs of processing operations" includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (i) profit, and (ii) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions or expenses.

(4) [10] Notwithstanding section 311 of the Tariff Act of 1930, the products of a beneficiary country which are imported directly from any beneficiary [11] country into Puerto Rico may be entered under bond for processing or use in manufacturing in Puerto Rico. No duty shall be imposed on the withdrawal from warehouse of the product of such processing or manufacturing if, at the time of such withdrawal, such product meets the requirements of paragraph (1)(B).

(b) The duty-free treatment provided under this title shall not apply to—

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[10] This par. was added as par. (3) by Sec. 235 of Public Law 98-573 (98 Stat. 2992). It was redesignated as par. (4) by sec. 1889 of Public Law 99-514 (100 Stat. 2926).

[11] Sec. 1889 of Public Law 99-514 (100 Stat. 2926) added the words "any beneficiary" in lieu of the word "such" which previously appeared at this point.

(1) textile and apparel articles which are subject to textile agreements;

(2) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

(3) tuna, prepared or preserved in any manner, in airtight containers;

(4) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the Harmonized Tariff Schedule of the United States; [12] or

(5) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS [13] column 2 rates of duty apply.

(c)(1) As used in this subsection—

(A) The term "sugar and beef products" means—

(i) sugars, sirups, and molasses provided for in subheadings 1701.11.00, 1701.12.00, 1701.91.20, 1701.99.00, 1702.90.30, 1806.10.40, and 2106.90.10 of the Harmonized Tariff Schedule of the United States,[14] and

(ii) articles of beef or veal, however provided for in chapters 2 and 16 of the Harmonized Tariff Schedule of the United States.[15]

(B) The term "Plan" means a stable food production plan that consists of measures and proposals designed to ensure that the present level of food production in, and the nutritional level of the population of, a beneficiary country will not be adversely affected by changes in land use and land ownership that will result if increased production of sugar and beef products is undertaken in response to the duty-free treatment extended under this title to such products. A Plan must specify such facts regarding, and such proposed actions by, a beneficiary country as the President deems necessary for purposes of carrying out this subsection, including but not limited to—

(i) the current levels of food production and nutritional health of the population;

(ii) current level of production and export of sugar and beef products;

(iii) expected increases in production and export of sugar and beef products as a result of the duty-free access to the United States market provided under this title;

(iv) measures to be taken to ensure that the expanded production of those products because of such duty-free access will not occur at the expense of stable food production; and

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[12] The text to this point beginning with "headings 2709" was inserted in lieu of "part 10 of schedule 4 of the TSUS" by sec. 1214(q)(2)(A)(i) of Public Law 100-418 (102 Stat. 1159).

[13] Sec. 1214(q)(2)(A)(ii) of Public Law 100-418 (102 Stat. 1159) substituted the "HTS" in lieu of "TSUS".

[14] The text to this point beginning with "subheadings 1701.11.00" was inserted in lieu of "items 155.20 and 155.30 of the TSUS" by sec. 1214(q)(2)(B)(i) of Public Law 100-418 (102 Stat. 1159).

[15] The text to this point beginning with "chapters 2" was inserted in lieu of "subpart B of part 2 of schedule 1 of the TSUS" by sec. 1214(q)(2)(B)(ii) of Public Law 100-418 (102 Stat. 1159).

(v) proposals for a system to monitor the impact of such duty-free access on stable food production and land use and land ownership patterns.

(2) Duty-free treatment extended under this title to sugar and beef products that are the product of a beneficiary country shall be suspended by the President under this subsection if—

(A) the beneficiary country, within the ninety-day period beginning on the date of its designation as such a country under section 212, does not submit a Plan to the President for evaluation;

(B) on the basis of his evaluation, the President determines that the Plan of a beneficiary country does not meet the criteria set forth in paragraph (1)(B); or

(C) as a result of the monitoring of the operation of the Plan under paragraph (5), the President determines that a beneficiary country is not making a good faith effort to implement its Plan, or that the measures and proposals in the Plan, although being implemented, are not achieving their purposes.

(3) Before the President suspends duty-free treatment by reason of paragraph (2) (A) or (C) to the sugar and beef products of a beneficiary country, he must offer to enter into consultation with the beneficiary country for purposes of formulating appropriate remedial action which may be taken by that country to avoid such suspension. If the beneficiary country thereafter enters into consultation within a reasonable time and undertakes to formulate remedial action in good faith, the President shall withhold the suspension of duty-free treatment on the condition that the remedial action agreed upon be appropriately implemented by that country.

(4) The President shall monitor on a biennial basis the operation of the Plans implemented by beneficiary countries, and shall submit a written report to Congress by March 15 following the close of each biennium, that—

(A) specifies the extent to which each Plan, and remedial actions, if any, agreed upon under paragraph (4), have been implemented; and

(B) evaluates the results of such implementation.

(5) The President shall terminate any suspension of duty-free treatment imposed under this subsection if he determines that the beneficiary country has taken appropriate action to remedy the factors on which the suspension was based.

(d) For such period as there is in effect a proclamation issued by the President pursuant to the authority vested in him by section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) to protect a price-support program for sugar beets and sugar cane, the importation and duty-free treatment of sugars, sirups, and molasses classified under subheadings 1701.11.00, 1701.12.00, 1701.91.20, 1701.99.00, 1702.90.30, 1806.10.40, and 2106.90.10 of the Harmonized

Tariff Schedule of the United States [16] shall be governed in the following manner:

(1)(A) For all beneficiary countries, except those subject to subparagraph (B) and paragraph (2), duty-free treatment shall be provided in the same manner as it is provided pursuant to title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), at the time of the effective date of this title; except that the President upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the value limitation provided for in section 504(c)(1) of the Trade Act of 1974 on the duty-free treatment afforded to beneficiary countries under this section if he finds that such adjustment will not interfere with the price support program for sugar beets and sugar cane and is appropriate in light of market conditions.

(B) As an alternative to subparagraph (A), the President may at the request of a beneficiary country not subject to paragraph (2) and upon the recommendation of the Secretary of Agriculture, elect to permit sugar, sirups, and molasses from that country to enter duty-free during a calendar year subject to quantitative limitations to be established by the President on the quantity of sugar, sirups, and molasses entered from that country.

(2) For the following countries whose exports of sugar, sirups, and molasses in 1981 were not eligible for duty-free treatment because of the operation of section 504(c) of the Trade Act of 1974, the quantity of sugar, sirups, and molasses which may be entered in any calendar year shall be limited to no more than the quantity specified below:

Metric tons:	
Dominican Republic	780,000
Guatemala	210,000
Panama	160,000

Such sugar, sirups, and molasses shall be admitted free of duty, except as provided for in paragraph (3).

(3) The President, upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the quantitative limitations imposed under paragraph (1)(B) or (2) if he determines such action will not interfere with the price support program for sugar beets and sugar cane and is appropriate in light of market conditions. The President, upon the recommendation of the Secretary of Agriculture, may suspend the duty-free treatment for all or part of the quantity of sugar, sirups, and molasses permitted to be entered by paragraphs (1)(B) and (2) if such action is necessary to protect the price-support program for sugar beets and sugar cane.

(4) Any quantitative limitation imposed on a beneficiary country under paragraphs (1)(B) and (2) shall apply only to the extent that such limitation permits a lesser quantity of sugar, sirups, and molasses to be entered from that country than the

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[16] The text to this point beginning with "subheadings 1701.11.00" was inserted in lieu of "items 155.20 and 155.30 of the TSUS" by sec. 1214(q)(2)(C) of Public Law 100-418 (102 Stat. 1159).

quantity that would be permitted to be entered under any other provision of law.

(e)(1) The President may by proclamation suspend the duty-free treatment provided by this title with respect to any eligible article and may proclaim a duty rate for such article if such action is provided under chapter 1 of title II [17] of the Trade Act of 1974 or section 232 of the Trade Expansion Act of 1962.[18] ← ✓?

(2) In any report by the International Trade Commission to the President under section 202(f) [19] of the Trade Act of 1974 regarding any article for which duty-free treatment has been proclaimed by the President pursuant to this title, the Commission shall state whether and to what extent its findings and recommendations apply to such article when imported from beneficiary countries.

(3) For purposes of subsections section 203 [20] of the Trade Act of 1974, the suspension of the duty-free treatment provided by this title shall be treated as an increase in duty.

(4) No proclamation which provides solely for a suspension referred to in paragraph (3) of this subsection with respect to any article shall be taken under section 203 [21] of the Trade Act of 1974 unless the United States International Trade Commission, in addition to making an affirmative determination with respect to such article under section 202(b) [21] of the Trade Act of 1974, determines in the course of its investigation under such section [21] that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the duty-free treatment provided by this title.

(5)(A) Any action taken under section 203 [22] of the Trade Act of 1974 that is in effect when duty-free treatment pursuant to section 101 of this title is proclaimed shall remain in effect until modified or terminated.

(B) If any article is subject to any such action [22] at the time duty-free treatment is proclaimed pursuant to section 211, the President may reduce or terminate the application of such action [22] relief to the importation of such article from beneficiary countries prior to the otherwise scheduled date on which such reduction or termination would occur pursuant to the criteria and procedures of section 203 [22] of the Trade Act of 1974.

(f)(1) If a petition is filed with the International Trade Commission pursuant to the provisions of section 201 of the Trade of 1974 regarding a perishable product and alleging injury from imports from beneficiary countries then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted pursuant to paragraph (3) of this subsection with respect to such article.

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[17] The text to this point beginning with "provided under chapter 1" was substituted in lieu of "proclaimed pursuant to section 203" by sec. 1401(b)(2) of Public Law 100–418 (102 Stat. 1239).

[19] Sec. 1401(b)(2)(B) of Public Law 100–418 (102 Stat. 1239) substituted "202(f)" in lieu "202(d)(1)" in subsec. (e)(2)

[20] Sec. 1401(b)(2)(C) of Public Law 100–418 (102 Stat. 1240) substituted "section 203" in lieu "(a) and (c) of section 203" in subsec. (e)(2). The word "subsection" preceding "section 203" probably should have been struck out also.

[21] Sec. 1401(b)(2)(D) of Public Law 100–418 (102 Stat. 1240) amended subsec. (e)(4) by inserting "taken under section 203" in lieu of "made under subsections (a) and (c) of section 203"; by inserting "202(b)" the first place it appears in lieu of "201(b)"; and by inserting "such section" in lieu of "section 201(b) of such Act".

[22] Sec. 1401(b)(2)(E) of Public Law 100–418 (102 Stat. 1240) amended subsec. (e)(5) by striking out "proclamation issued pursuant to section 203" in subpar. (A) and inserting "action taken under section 203". Sec. 1401(b)(2)(E) of that Act amended subpar. (B) by striking out "to import relief" and inserting "to any such action"; by striking out "such import relief" and inserting "such action"; and by striking out "subsections (h) and (i) of section 203" and inserting "section 203".

(2) Within fourteen days after the filing of a petition under paragraph (1) of this subsection—

(A) if the Secretary of Agriculture has reason to believe that a perishable product from a beneficiary country is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product and that emergency action is warranted, he shall advise the President and recommend that the President take emergency action; or

(B) the Secretary of Agriculture shall publish a notice of his determination not to recommend the imposition of emergency action and so advise the petitioner.

(3) Within seven days after the President receives a recommendation from the Secretary of Agriculture to take emergency action pursuant to paragraph (2) of this subsection, he shall issue a proclamation withdrawing the duty-free treatment provided by this title or publish a notice of his determination not to take emergency action.

(4) The emergency action provided by paragraph (3) of this subsection shall cease to apply—

(A) upon the taking of action under section 203 [23] of the Trade Act of 1974,

(B) [23] on the day a determination by the President not to take action under section 203 of such Act not to take action becomes final,

(C) in the event of a report of the United States International Trade Commission containing a negative finding, on the day the Commission's report is submitted to the President, or

(D) whenever the President determines that because of changed circumstances such relief is no longer warranted.

(5) For purposes of this subsection, the term "perishable product" means—

(A) live plants and fresh cut flowers provided for in chapter 6 of the HTS; [24]

(B) fresh or chilled vegetables provided for in headings 0701 through 0709 (except subheading 0709.52.00) and heading 0714 of the HTS; [25]

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[23] Sec. 1401(b)(2)(F) of Public Law 100-418 (102 Stat. 1240) amended subsec. (f)(4) by striking out "proclamation of import relief pursuant to section 202(a)(1)" and inserting "taking of action under section 203" in subpar. (A); and by substituting a new subpar. (B).

[24] The text to this point beginning with "live plants" was inserted in lieu of "live plants provided for in subpart A of part 6 of schedule 1 of the TSUS" by sec. 1214(q)(2)(D) of Public Law 100-418 (102 Stat. 1159).

[25] The text to this point beginning with "headings 0701" was inserted in lieu of "items 135.10 through 138.46 of the TSUS" by sec. 1214(q)(2)(B) of Public Law 100-418 (102 Stat. 1159).

(C)[26] fresh fruit provided for in subheadings 0804.20 through 0810.90 (except citrons of subheading 0805.90.00, tamarinds and kiwi fruit of subheading 0810.90.20, and cashew apples, mameyes colorados, sapodillas, soursops and sweetsops of subheading 0810.90.40) of the HTS;

(D)[26] concentrated citrus fruit juice provided for in subheadings 2009.11.00, 2009.19.40, 2009.20.40, 2009.30.20, and 2009.30.60 of the HTS.

(g) No proclamation issued pursuant to this title shall affect fees imposed pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C. 624).

SEC. 214. MEASURES FOR PUERTO RICO AND UNITED STATES INSULAR POSSESSIONS.

(a) * * *

(b) * * *

(c) If the sum of the amounts of taxes covered into the treasuries of Puerto Rico or the United States Virgin Islands pursuant to section 7652(c) of the Internal Revenue Code of 1954 is reduced below the amount that would have been covered over if the imported rum had been produced in Puerto Rico or the United States Virgin Islands, then the President shall consider compensation measures and, in this regard, may withdraw the duty-free treatment on rum provided by this title. The President shall submit a report to the Congress on the measures he takes.

(d) Section 1112 of the Trade Agreements Act of 1979 (19 U.S.C. 2582) is repealed.

(e) No action pursuant to this title may affect any tariff duty imposed by the Legislature of Puerto Rico pursuant to section 319 of the Tariff Act of 1930 (19 U.S.C. 1319) on coffee imported into Puerto Rico.

(f) For purposes of chapter 1 of title II of the Trade Act of 1974,[27] the term "industry" shall include producers located in the United States insular possessions.

(g) Any discharge from a point source in the United States Virgin Islands in existence on the date of the enactment of this subsection which discharge is attributable to the manufacture of rum (as defined in paragraphs (3) of section 7652(c) of the Internal Revenue Code of 1954) shall not be subject to the requirements of section 301 (other than toxic discharges), section 306 or section 403 of the Federal Water Pollution Control Act if—

(1) such discharge occurs at least one thousand five hundred feet into the territorial sea from the line of ordinary low water from that portion of the coast which is in direct contact with the sea, and

(2) the Governor of the United States Virgin Islands determines that such discharge will not interfere with the attain-

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[26] Sec. 213(f)(5) was amended by sec. 1214(q)(2)(D) of Public Law 100-418 (102 Stat. 1159) which struck out former subpar. (C); redesignated subpar. (D) as (C); and inserted the text following this point which begins with "subheadings" and ends with "HTS".

Sec. 1214(q)(2)(D) of that Act also struck out former subpar. (E) and redesignated subpar. (F) as subpar. (E). (Subpar. (E) was redesignated as subpar. (D) by sec. 9001(a)(14) of Public Law 100-647 (Technical and Miscellaneous Revenue Act of 1988; 102 Stat. 3342). Sec. 1214(q)(2)(D) of Public Law 100-418 inserted the text which begins with "subheadings 2009.11.00" and ends with "HTS".

ment or maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water and will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity, or teratogenicity), or synergistic propensities.

SEC. 215.[28] INTERNATIONAL TRADE COMMISSION REPORTS ON IMPACT OF THIS ACT.

(a) The United States International Trade Commission (hereinafter in this section referred to as the "Commission") shall prepare, and submit to the Congress and to the President, a report regarding the economic impact of this Act on United States industries and consumers during—

(1) the twenty-four-month period beginning with the date of enactment of this Act; and

(2) each calendar year occurring thereafter until duty-free treatment under this title is terminated under section 216(b).

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States shall be considered to be United States industries.

(b)(1) Each report required under subsection (a) shall include, but not be limited to, an assessment by the Commission regarding—

(A) the actual effect, during the period covered by the report, of this Act on the United States economy generally as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries; and

(B) the probable future effect which this Act will have on the United States economy generally, as well as on such domestic industries, before the provisions of this Act terminate.

(2) In preparing the assessments required under paragraph (1), the Commission shall, to the extent practicable—

(A) analyze the production, trade and consumption of United States products affected by this Act, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production; and

(B) describe the nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned, which it believes are attributable to this Act.

(c)(1) Each report required under subsection (a) shall be submitted to the Congress and to the President before the close of the nine-month period beginning on the day after the last day of the period covered by the report.

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[28] 19 U.S.C. 2704.

(2) The Commission shall provide opportunity for the submission by the public, either orally or in writing, or both, of information relating to matters that will be addressed in the reports.

SEC. 216.[29] IMPACT STUDY BY SECRETARY OF LABOR.

The Secretary of Labor, in consultation with other appropriate Federal agencies, shall undertake a continuing review and analysis of the impact which the implementation of the provisions of this title have with respect to United States labor; and shall make an annual written report to Congress on the results of such review and analysis.

SEC. 217. FEASIBILITY STUDY REGARDING A CARIBBEAN TRADE INSTITUTE.

(a) The Secretary of State shall prepare a study regarding the feasibility of establishing a Caribbean Trade Institute in Harlem, New York City, supported by a combination of Federal and private funds.

(b) The study shall include, but not be limited to, an assessment of the extent to which, and the means by which, a Caribbean Trade Institute could—

(1) facilitate cooperation between public and private entities interested in engaging in or furthering Caribbean trade;

(2) serve as a catalyst for greater cultural exchange between the United States and Caribbean nations; and

(3) facilitate expansion of job opportunities both in the United States and the Caribbean Basin.

The study shall also include suggestions regarding the organization and staffing of such an institute.

(c) The study required by this section shall be submitted to the Congress within six months after the date of the enactment of this Act.

SEC. 218.[30] EFFECTIVE DATE OF SUBTITLE AND TERMINATION OF DUTY-FREE TREATMENT.

(a) Effective Date.—This subtitle shall take effect on the date of the enactment of this Act.

(b) Termination of Duty-Free Treatment.—No duty-free treatment extended to beneficiary countries under this subtitle shall remain in effect after September 30, 1995.

Subtitle B—Tax Provisions [31]

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SEC. 223. REPORT WITH RESPECT TO USE OF CARIBBEAN BASIN TAX HAVENS.

The Secretary of the Treasury shall, not later than ninety days after the date of the enactment of this Act, report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on—

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[29] 19 U.S.C. 2705.

[30] 19 U.S.C. 2706.

[31] Subtitle B amends sec. 7652 and sec. 274(h) of the Internal Revenue Code of 1954.

(1) the level at which Caribbean Basin tax havens are being used to evade or avoid Federal taxes, and the effect on Federal revenues of such use,

(2) any information he may have on the relationship of such use to drug trafficking and other criminal activities, and

(3) current antitax haven enforcement activities of the Department of the Treasury.

SUBTITLE C—SENSE OF THE CONGRESS REGARDING SUGAR IMPORTS

SEC. 231. SUGAR IMPORTS.

It is the sense of the Congress that sugar from any Communist country in the Caribbean Basin or in Central America should not be imported into the United States.

3. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, Sec. 101(e) of the Continuing Appropriations, for 1988 (P.L. 100-202, Dec. 22, 1987)

IMPORT ASSISTANCE FOR CBI BENEFICIARY COUNTRIES AND THE PHILIPPINES

SEC. 583. (a) For the purpose of this Act Congress finds that the cultivation and processing of sugar cane is a significant part of the economy of a number of friendly foreign nations that have traditionally exported raw sugar to the United States for refining and marketing. The sugar production and marketing policies of sugar exporting countries, other than the CBI and the Philippines, notably the EEC, has resulted in the surplus production of sugar and the dumping of sugar on world markets, thereby depressing prices to levels below the cost of production. Because of the changes occurring in the United States market for sweeteners, the export market for raw sugar produced in the CBI and Philippines has been severely restricted. In accordance with the purposes of this Act, efforts shall be made by the United States to provide assistance that helps to maintain a viable sugar industry in these countries. By conducting a special reexport program for sugar, effectively utilizing CCC-owned commodities, the friendly sugar-producing nations of the Caribbean Basin and the Philippines are helped more effectively than they are through section 416 commodity program assistance, and the sugar refining industry in the United States is able to retain a viable level of productive capacity.

(b) The Secretary of Agriculture shall issue regulations for fiscal year 1988 that set forth the terms and conditions of a special export enhancement program for a quantity of refined sugar produced in the United States equal to the quantity of raw sugar imported from beneficiary countries as defined in the Caribbean Basin Initiative (19 U.S.C. 2702) and the Republic of the Philippines. This will enable United States refiners, processors or operators to purchase raw sugar from CBI beneficiary countries and the Republic of the Philippines at United States domestic prices for export of an equivalent quantity of refined sugar into world markets within 60 days. The tonnage for fiscal year 1988 for this purpose shall be no less than 290,000 short tons, raw value, for the CBI nations and 110,000 short tons, raw value, for the Philippines. This amount shall be in addition to the sugar quota level established for the CBI and Philippines pursuant to the tariff schedules (19 U.S.C. 1202), for calendar year 1988 and shall not be held as violating the no cost provision contained in the sugar title of the Food Security Act of 1985. In order to maximize the number of competing bidders, the Secretary shall, in determining the low bidders in the special export enhancement program established under this section, make appropriate adjustments in bids received from sugar refiners and processors to reflect differing transportation costs based on refinery and factory location.

(c) The Secretary of Agriculture shall estimate the dollar amount of section 416 commodities which would be made available to compensate eligible CBI countries and the Philippines for the 1988 sugar quota year and operate the special sugar export enhancement program by adjusting the quantities of sugar shipped and imported under this program so as to insure that the cost of $12,000,000 below the outlay costs for fiscal year 1988 of the section 416 commodities that would otherwise have been made available, including any costs in shipping the minimum amount of section 416 commodities as required in the Food Security Act of 1985. To estimate dollar values, the Secretary of Agriculture shall estimate the cost of the certificates to be 13 percent above their face value.

4. Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204, December 22, 1987)

SEC. 123. CLOSING OF DIPLOMATIC AND CONSULAR POSTS IN ANTIGUA AND BARBUDA.

(a) PROHIBITION ON USE OF FUNDS.—None of the funds made available for the Department of State for any fiscal year may be used for the expenses of maintaining a United States diplomatic or consular post in Antigua and Barbuda.

(b) EFFECTIVE DATE.—The prohibition contained in subsection (a) shall take effect 60 days after the date of enactment of this Act unless the President determines that closing this post would not be in the national security interests of the United States and informs the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives of such determination.

C. Central America

1. Continuing Appropriations Act, 1985, (Public Law 98-473, October 12, 1984) Sec. 8101

Sec. 8101. (a) The Congress makes the following findings:

(1) The President has stated that there is no need to introduce United States Armed Forces into Central America for combat and that he has no intention of doing so.

(2) The President of El Salvador has stated that there is no need for the United States Armed Forces to conduct combat operations in El Salvador and that he has no intention of asking that they do so.

(3) The possibility of the introduction of United States Armed Forces into Central America for combat raises very grave concern in the Congress and the American people.

(b) It is the sense of Congress that—

(1) United States Armed Forces should not be introduced into or over the countries of Central America for combat; and

(2) if circumstances change from those present on the date of the enactment of this Act and the President believes that those changed circumstances require the introduction of United States Armed Forces into or over a country of Central America for combat, the President should consult with Congress before any decision to so introduce United States Armed Forces and any such introduction of United States Armed Forces must comply with the War Powers Resolution.

2. Department of Defense Authorization Act, 1985, (Public Law 98-525, October 19, 1984) Sec. 310

SENSE OF CONGRESS CONCERNING INTRODUCTION OF UNITED STATES ARMED FORCES INTO CENTRAL AMERICA FOR COMBAT

Sec. 310. (a) The Congress makes the following findings:

(1) The President has stated that there is no need to introduce United States Armed Forces into Central America for combat and that he has no intention of doing so.

(2) The President of El Salvador has stated that there is no need for United States Armed Forces to conduct combat operations in El Salvador and that he has no intention of asking that they do so.

(3) The possibility of the introduction of United States Armed Forces into Central America for combat raises very grave concern in the Congress and the American people.

(b) It is the sense of Congress that—

(1) United States Armed Forces should not be introduced into or over the countries of Central America for combat; and

(2) if circumstances change from those present on the date of the enactment of this Act and the President believes that those changed circumstances require the introduction of United States Armed Forces into or over a country of Central America for combat, the President should consult with Congress before any decision to so introduce United States Armed Forces and any such introduction of United States Armed Forces must comply with the War Powers Resolution.

3. Foreign Assistance Act of 1961, (Public Law 87-195) as amended, added by Sec. 701 of the International Security and Development Cooperation Act of 1985, (Public Law 99-83, August 8, 1985)

Chapter 6—Central America Democracy, Peace, and Development Initiative [314], [315]

Sec. 461.[314], [316] **Statement of Policy.**—(a) The Congress finds that—

(1) the building of democracy, the restoration of peace, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States; and

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America.

(b)(1) The achievement of democracy, respect for human rights, peace, and equitable economic growth depends primarily on the cooperation and the human and economic resources of the people and governments of Central America. The Congress recognizes that the United States can make a significant contribution to such peaceful and democratic development through a consistent and coherent policy which includes a long-term commitment of assistance. This policy should be designed to support actively—

(A) democracy and political reform, including opening the political process to all members of society;

(B) full observance of internationally recognized human rights, including free elections, freedom of the press, freedom of association, and the elimination of all human rights abuses;

(C) leadership development, including training and educational programs to improve public administration and the administration of justice;

(D) land reform, reform in tax systems, encouragement of private enterprise and individual initiative, creation of favorable investment climates, curbing corruption where it exists, and spurring balanced trade;

(E) the establishment of the rule of law and an effective judicial system; and

(F) the termination of extremist violence by both the left and the right as well as vigorous action to prosecute those guilty of crimes and the prosecution to the extent possible of past offenders.

(2) The policy described in paragraph (1) should also promote equitable economic growth and development, including controlling

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[314] Chapter 6, Sections 461 through 466 were added by sec. 701 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 234).

[315] Previously, ch. 6 and ch. 7 (as added by the FA Act of 1966), were repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 961). Chapter 6 was previously titled: "Assistance to Countries Having Agrarian Economies".

[316] 22 U.S.C. 2271.

the flight of capital and the effective use of foreign assistance and adhering to approved programs for economic stabilization and fiscal responsibility. Finally, this policy should foster dialog and negotiations—

(A) to achieve peace based upon the objectives of democratization, reduction of armament, an end to subversion, and the withdrawal of foreign military forces and advisers; and

(B) to provide a security shield against violence and intimidation.

(3) It is the purpose of this chapter to establish the statutory framework and to authorize the appropriations and financing necessary to carry out the policy described in this section.

(c) The Congress finds, therefore, that the people of the United States are willing to sustain and expand a program for economic and military assistance in Central America if the recipient countries can demonstrate progress toward and a commitment to these goals

Sec. 462.[314, 317] **Conditions on Furnishing Assistance.**—The President shall ensure that assistance authorized by this Act and the Arms Export Control Act to Central American countries is furnished in a manner which fosters demonstrated progress toward and commitment to the objectives set forth in section 461. Where necessary to achieve this purpose, the President shall impose conditions on the furnishing of such assistance. In carrying out this section, the President shall consult with the Congress in regard to progress toward the objectives set forth in section 461, and any conditions imposed on the furnishing of assistance in furtherance of those objectives.

Sec. 463.[314, 318] **Peace Process in Central America.**—The Congress—

(1) strongly supports the initiatives taken by the Contadora group and the resulting Document of Objectives which has been agreed to by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region; and

(2) finds that the United States should provide such assistance and support as may be appropriate in helping to reach comprehensive and verifiable final agreements, based on the Document of Objectives, which will ensure peaceful and enduring solutions to the Central American conflicts.

Sec. 464.[314, 319] **Economic Assistance Coordination.**—(a) The Congress finds that participation by Central American countries in an effective forum for dialog on, and the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

(b) It is the sense of the Congress that—

(1) the President should enter into negotiations with the countries of Central America to establish a Central American

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[317] 22 U.S.C. 2272.

[318] 22 U.S.C. 2273.

[319] 22 U.S.C. 2274.

Development Organization (hereafter in this section referred to as the "Organization") to help provide a continuous and coherent approach to the development of the Central American region; and

(2) the establishment of the Organization should be based upon the following principles:

(A) Participation in the Organization should be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, respecting internationally recognized human rights, building democracy, and encouraging equitable economic growth through policy reforms.

(B) The Organization should be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities.

(C) The Organization should meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat.

(D) The Organization should make recommendations affecting Central American countries on such matters as—

"(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of internationally recognized human rights;

"(ii) mobilization of resources and external assistance needs; and

"(iii) reform of economic policies and structures.

(E) The Organization should have the capacity for monitoring country performance on recommendations issued in accordance with subparagraph (D) of this paragraph and for evaluating progress toward meeting such country objectives.

(F) To the maximum extent practicable, the United States should follow the recommendations of the Organization in disbursing bilateral economic assistance for any Central American country. No more than 75 percent of such United States assistance in any fiscal year should be disbursed until the recommendations of the Organization for that fiscal year have been made final and communicated to the donor countries. The limitation on disbursements contained in the preceding sentence should apply only to recommendations made final and communicated to donor countries prior to the fourth quarter of such fiscal year. The United States representative to the Organization should urge other donor countries to similarly implement the recommendations of the Organization.

(G) The administrator of the agency primarily responsible for administering part I of this Act, or his designee, should represent the United States Government in the Organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

(c) Subject to subsection (d)(2), the President is authorized to participate in the Organization.

(d)(1) The administrator of the agency primarily responsible for administering part I of this Act, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of this proposal.

(2) The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement, which he proposes to sign, that would provide for the establishment of and United States participation in the Organization no less than sixty days prior to his signature. During that sixty-day period there shall be full and formal consultations with and review by those committees in accordance with procedures applicable to reprogramming notifications pursuant to section 634A [320] of this Act.

Sec. 465. [321] **Authorization for Fiscal Years 1988 and 1989.**—(a) In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the President, for the purpose of furnishing nonmilitary assistance for Central American countries, $1,200,000,000 for each of the fiscal years 1988 and 1989, which are authorized to remain available until expended.

(b) For the purpose of providing the assistance described in subsection (a), funds appropriated pursuant to the authorizations in that subsection may be transferred by the President for obligation in accordance with the authorities of part I of this Act (including chapter 4 of part II), the Peace Corps Act, the Migration and Refugee Assistance Act of 1962, the United States Information and Education Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, the National Endowment for Democracy Act, and the State Department Basic Authorities Act of 1956.

Sec. 466.[322] **Definitions.**—For the purposes of this chapter, the term "Central American countries" includes Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, and regional programs which benefit such countries.

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[321] 22 U.S.C. 2275.

[322] 22 U.S.C. 2276.

Chapter 9—International Disaster Assistance [373]

Sec. 495I.[406] Assistance for Displaced Persons in Central America.—(a)(1) The Congress recognizes that prompt United States assistance is necessary to help meet the basic human needs of persons displaced by strife in El Salvador. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to help alleviate the suffering of these displaced persons. Assistance provided under this section shall be for humanitarian purposes, with emphasis on the provision of food, medicine, medical care, and shelter and, where possible, implementation of other relief and rehabilitation activities. The Congress encourages the use, where appropriate of the services of private and voluntary organizations and international relief agencies in the provision of assistance under this section.

(2) The Congress understands that the country of Belize has expressed interest and willingness in the resettlement in its territory of Haitian nationals who desire to settle in Belize. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to assist the Government of Belize in the resettlement of Haitian nationals in the national territory of Belize.

(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $5,000,000 for the fiscal year 1982 and $5,000,000 for the fiscal year 1983.[407] Amounts appropriated under this section are authorized to remain available until expended.

(c) Assistance under this section shall be provided in accordance with the policies and utilizing the general authorities provided in section 491.

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[373] Sec. 101(1) of Public Law 94-161 (89 Stat. 849) substituted chapter heading "International Disaster Assistance" in lieu of "Refugee Relief Assistance".

[406] 22 U.S.C. 2292o. Sec. 4951 was added by sec. 504 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113, 95 Stat. 1540).

[407] FA Appropriations, 1982, provided that out of the $473 million in funds for migration and refugee assistance during fiscal year 1982, "$5,000,000 of this amount shall be used for assistance for persons displaced by strife in El Salvador as provided in H.R. 3566 as reported May 19, 1981." Under the provisions of the Further Continuing Appropriations Act, 1983 (Public Law 97-377), which continued funding for foreign assistance at the rates and under the terms and conditions provided in the FA Appropriations Act, 1982, with exceptions, no prior year earmarking of funds under the "Migration and Refugee Assistance" account would apply.

5. Supplemental Appropriations Act, 1987 P.L. 100-71, July 11, 1987)

Bilateral Economic Assistance

Funds Appropriated to the President

Agency for International Development

ASSISTANCE FOR CENTRAL AMERICA

(TRANSFER OF FUNDS)

(a) For an additional amount for the "Economic support fund", $300,000,000, for use pursuant to this heading for Central America, to be derived by transfer from the following amounts appropriated in prior appropriations Acts for the Department of Defense: "Aircraft Procurement, Army", fiscal year 1985, $10,000,000; "Missile Procurement, Army", fiscal year 1985, $15,000,000; "Weapons and Tracked Combat Vehicles, Army", fiscal year 1985, $20,000,000; "Procurement of Ammunition, Army", fiscal year 1985, $5,000,000; "Other Procurement, Army", fiscal year 1985, $37,000,000; "Aircraft Procurement, Navy", fiscal year 1985, $19,000,000; "Weapons Procurement, Navy", fiscal year 1985, $35,000,000; "Shipbuilding and Conversion, Navy", fiscal year 1983, $45,000,000; "Other Procurement, Navy", fiscal year 1985, $5,000,000; "Procurement, Marine Corps", fiscal year 1985, $8,000,000; "Aircraft Procurement, Air Force", fiscal year 1985, $101,000,000: *Provided*, That of the funds obligated in fiscal year 1987 not more than $87,000,000 shall be expended prior to October 1, 1987.

(b) Funds transferred pursuant to paragraph (a) shall remain available until September 30, 1987: *Provided*, That the President shall make available the $300,000,000 transferred pursuant to paragraph (a) for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to Economic support fund assistance) for the countries of Central America with democratically elected governments as follows:

$54,750,000 shall be made available only for assistance for Guatemala,

$54,750,000 shall be made available only for assistance for Costa Rica,

$59,750,000 shall be made available only for assistance for Honduras,

$129,750,000 shall be made available only for assistance for El Salvador,

$1,000,000 shall be made available only for assistance for Belize.

(c) Of the funds specified for El Salvador in paragraph (b), $75,000,000 shall be made available only for earthquake relief and reconstruction which shall be used in accordance with the authorities contained in section 491 of the Foreign Assistance Act of 1961. Funds made available for the purposes of this paragraph shall be accounted for separately.

(d) Of the funds specified in paragraph (a), less those amounts designated for earthquake assistance by paragraph (c), not less than 40 percent shall be used for assistance in accordance with the policy directions, purposes, and authorities of chapter 1 and chapter 9 of part I of the Foreign Assistance Act of 1961 and the remainder shall be used in a manner which will generate local currencies for use in accordance with those policy directions, purposes, and authorities.

(e) The assistance specified in paragraph (b) shall be in addition to the amounts previously allocated for fiscal year 1987 for these countries pursuant to section 653 of the Foreign Assistance Act of 1961.

(f) The local currencies generated from the funds specified in paragraph (b) for El Salvador shall be used for projects described in section 702(e)(2) of the International Security and Development Cooperation Act of 1985 (and of those local currencies, not less than 50 percent shall be for projects assisting agrarian reform and the agricultural sector and not less than 10 percent shall be used for judicial reform).

(g) Of the aggregate of the funds specified in paragraph (b), $10,000,000 shall be made available only for Child Survival Fund activities in the Central American democracies.

(h) The assistance provided under this heading shall be made available consistent with the policies contained in section 702 of the International Security and Development Cooperation Act of 1985 (relating to El Salvador), section 703 of that Act (relating to Guatemala), and chapter 6 of part I of the Foreign Assistance Act of 1961 (relating to the Central American Democracy, Peace, and Development Initiative).

(i) Funds made available for assistance pursuant to this heading may be obligated only in accordance with the congressional notification procedures applicable under section 523 of the Foreign Assistance and Related Programs Appropriations Act, 1987, and section 634A of the Foreign Assistance Act of 1961.

(j) Of the funds specified for Honduras in paragraph (b), $20,000,000 shall be obligated, but shall not be expended, except as provided in the fourth proviso, until the Government of Honduras and an American citizen, whose property and businesses in the vicinity of Trujillo, Honduras were affected by actions of the Government of Honduras with respect to the Regional Military Training Center, reach a settlement concerning compensation: *Provided*, That in order to facilitate such a settlement the Department of State shall select an independent factfinder. The factfinder shall correct and expand, as may be appropriate, the existing factfinder's report. Such report shall be issued by September 30, 1987: *Provided further*, That if the two parties have not reached a full and final settlement of this matter, including a complete waiver of further claims and liabilities against the Governments of Honduras and the United States, by November 30, 1987, then the Department of State shall request that both parties submit the disagreement to binding international arbitration in accordance with the rules of procedure of the Inter-American Commercial Arbitration Commission. The Commission shall select the arbitrators, and may appoint such experts as it finds necessary in order to establish a base of factual and financial information for the case: *Provided further*, That if the Government of Honduras refuses to agree to binding international arbitration, then the $20,000,000 shall be deobligated and immediately returned to the Treasury of the United States: *Provided further*, That if the United States citizen refuses to agree to binding international arbitration and refuses to agree that the award resulting from the arbitration will constitute a full and final settlement of any and all claims, liabilities and demands, including those which may be directed at the United States, its officers, agents and employees, arising directly or indirectly from the establishment of the Regional Military Training Center, then the $20,000,000 shall be made available for expenditure to the Government of Honduras: *Provided further*, That arbitrators shall consider maintenance costs, interest costs, professional fee costs, land, business and asset valuations and all other matters they deem appropriate: *Provided further*, That nothing in this provision shall prevent the two parties prior to a final arbitration award from reach a binding full and final written agreement outside the arbitration proceedings: *Provided further*, That funds previously appropriated from the Economic support fund shall be used to pay for the reasonable costs of the activities of the factfinder, the International Arbitration Commission, the arbitrators and the experts appointed by the arbitrators.

6. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 Sec. 101(e) of the Continuing Appropriations for 1988 (P.L. 100-202, Dec. 22, 1987)

ASSISTANCE FOR IMPLEMENTATION OF REGIONAL PEACE AGREEMENT

SEC. 578. Notwithstanding any other provision of law, unobligated balances of funds appropriated by the Supplemental Appropriations Act, 1985 (Public Law 99-88) under the heading "Assistance for Implementation of a Contadora Agreement" shall be used only to facilitate, through support for such activities as verification and monitoring, the regional peace initiative signed in Guatemala City on August 7, 1987.

7. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (P.L. 100-461, November 18, 1988)

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE [12]

Provided further, That of the funds provided under this heading for Central American countries, not less than $5,000,000 shall be available only to develop energy self-sufficiency, to identify and utilize indigenous resources to improve economic development, and to reduce reliance on imported energy:

TITLE V—GENERAL PROVISIONS

NOTIFICATION CONCERNING AIRCRAFT IN CENTRAL AMERICA

SEC. 533.[54] (a) During the current fiscal year, the authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available any helicopters or other aircraft for military use, and licenses may not be issued under section 38 of the Arms Export Control Act [55] for the export of any such aircraft, to any country in Central America unless the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing at least 15 days in advance.

(b) During the current fiscal year, the Secretary of State shall promptly notify the committees designated in subsection (a) whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

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[12] The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Sec. 101(e) of the Continuing Appropriations Act for 1988, Public Law 100-202, 101 Stat. 1329-147), made Military Assistance appropriations available for three years, through September 30, 1990.

[54] Similar language was first enacted as sec. 538 of the Foreign Assistance Appropriations Act, 1986.

COSTA RICA

SEC. 593. The Department of State shall select an independent factfinder to investigate the legal and financial issues related to the case involving the Government of Costa Rica and an American citizen concerning property and businesses in the vicinity of Limon Province, Costa Rica. The Department of State shall report, no later than March 1, 1989, the findings made by the factfinder to the parties involved and to the Committees on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The costs of the factfinder shall be paid from unearmarked funds provided under the heading "Economic Support Fund".

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989".

D. Chile

1. International Security Assistance and Arms Export Control Act of 1976, (Public Law 94-329, June 30, 1976) Sec. 406

LIMITATIONS ON ECONOMIC ASSISTANCE, MILITARY ASSISTANCE, SALES, AND SALES CREDITS FOR CHILE

SEC. 406.[7] (a)(1) No military assistance, no assistance under chapter 4 of part II, no assistance under chapter 6 of part II,[8] and no military education and training may be furnished under the Foreign Assistance Act of 1961[9] for Chile; and no credits (including participations in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act[10] with respect to Chile. No deliveries of any such assistance, credits, or guaranties may be made to Chile on or after the date of enactment of this section.

(2) No sales (including cash sales) may be made and no export license may be issued under the Arms Export Control Act[10] with respect to Chile on or after the date of enactment of this section.

(b)(1) Notwithstanding any other provision of law, the total amount of economic assistance which may be made available for Chile during the period beginning July 1, 1976, and ending September 30, 1977, may not exceed $27,500,000. For purposes of this subsection, economic assistance includes any assistance of any kind which is provided, directly or indirectly, to or for the benefit of Chile by any department, agency, or other instrumentality of the United States Government (other than assistance provided under chapter 2, 4, or 5 of part II of the Foreign Assistance Act of 1961[11] or credits or guaranties extended under the Arms Export Control Act),[12] but does not include commodities furnished under title II of the Agricultural Trade Development and Assistance Act of 1954.[13] This subsection shall not be construed to authorize the furnishing of any assistance which is prohibited under any other provision of law.

(2) The $27,500,000 limit set forth in paragraph (1) of this subsection may be increased by not to exceed $27,500,000 if the President certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Chile—

(A) does not engage in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges or trial, or other flagrant denials of the right to life, liberty, or the security of person;

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[7] 22 U.S.C. 2370 note.

[8] The references to chapters 4 and 6 were substituted in lieu of a reference to security supporting assistance by sections 10(b)(5) and 12(c)(5) of the International Security Assistance Act of 1978 (92 Stat. 735, 737).

(B) has permitted the unimpeded investigation, by internationally recognized commissions on human rights (including the United Nations Commission on Human Rights and the Inter-American Commission on Human Rights of the Organization of American States) of alleged violations of internationally recognized human rights (as described in subparagraph (A) of this paragraph); and

(C) has taken steps to inform the families of prisoners of the condition of and charges against such prisoners.

2. International Security and Development Cooperation Act of 1981 (Public Law 97-113, December 29, 1981) Sec. 726

REPEAL OF LIMITATIONS ON ASSISTANCE, SALES, AND SALES CREDITS FOR CHILE

Sec. 726. (a) Section 406 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2370 note) is repealed.

(b) [20] Notwithstanding any other provision of law—

(1) no assistance may be furnished under chapter 2, 4, 5, or 6 of part II of the Foreign Assistance Act of 1961 to Chile;

(2) no sale of defense articles or services may be made under the Arms Export Control Act to Chile:

(3) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Chile; and

(4) no export licenses may be issued under section 38 of the Arms Export Control Act to or for the Government of Chile;

unless and until the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report certifying—

(A) that the Government of Chile has made significant progress in complying with internationally recognized principles of human rights;

(B) that the provision of such assistance, articles or services is in the national interest of the United States; and

(C) that the Government of Chile is not aiding or abetting international terrorism and has taken appropriate steps to cooperate to bring to justice by all legal means available in the United States or Chile those indicted by a United States grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt.

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[20] 22 U.S.C. 2370 note.

(c)[21] The prohibition contained in subsection (b) does not prohibit the sale, or the licensing for export, of cartridge actuated devices, propellant actuated devices, and technical manuals for aircraft of the F-5E/F or A/T-37 type which were sold to the Chilean Air Force by the United States before January 1, 1976, so long as the items are provided only for purposes of enhancing the safety of the aircraft crew.

3. Foreign Assistance and Related Programs Appropriations Act, 1987, Sec. 101(f) of The Continuing Appropriations Act, 1987 (Public Law 99-591, October 30, 1986) Sec. 557

SEC. 557. (a) It is the sense of Congress that pursuant to Section 701 of the International Institutions Act of 1977, the United States Government should oppose all loans to Chile from multilateral development institutions, except for those for basic human needs, until—

(1) the Government of Chile has ended its practice and pattern of gross abuse of internationally recognized human rights;

(2) significant steps have been taken by the Government of Chile to restore democracy, including—

(A) the implementation of political reforms which are essential to the development of democracy, such as the legalization of political parties, the enactment of election laws, the establishment of freedom of speech and the press, and the fair and prompt administration of justice; and

(B) a precise and reasonable timetable has been established for the transition to democracy.

(b) None of the funds made available by this Act for the "Economic support fund" or for Title III shall be obligated or expended for Chile.

4. Foreign Assistance Act of 1973 (P.L. 93-189, Dec. 17, 1973), as amended, Sec. 35

RIGHTS IN CHILE

Sec. 35.[6] It is the sense of the Congress that (1) the President should request the Government of Chile to protect the human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights, the Convention and Protocol Relating the Status of Refugees, and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and the humane treatment or release of prisoners; (2) the President should support international humanitarian initiatives by the United Nations High Commissioner for Refugees and the Inter-

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[6] 22 U.S.C. 2151 note.

[21] Subsec. (c) was added by sec. 715 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 247).

national Committee of the Red Cross to insure the protection and safe conduct and resettlement of political refugees, the humane treatment of political prisoners, and the full inspection of detention facilities under international auspices; (3) the President should support and facilitate efforts by voluntary agencies to meet emergency relief needs; and (4) the President should request of the Inter-American Commission on Human Rights to undertake an immediate inquiry into recent events occurring in Chile.

5. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Sec. 101(e) of the Continuing Appropriations for 1988 (P.L. 100-202, Dec. 22, 1987)

UNITED STATES POLICY TOWARD CHILE

SEC. 577. (a) The Congress finds that—

(1) genuine democracy and internal stability best guarantee the long-term security and economic well-being of Chile;

(2) the 14-year period of military rule under General Augusto Pinochet has been a deviation from the traditional, apolitical role of the Chilean Armed Forces which had proudly carried out its security responsibilities as an arm of democratic governments for approximately 150 years, thus fundamentally assisting Chile to be a Latin American model of democracy;

(3) continued rule by a military leader after 1989 will be likely to bolster the position of the Communists, enhance the appeal of the Communist opposition's more radical and violent approach to political activity, and further the growing political polarization in Chile;

(4) the United States Government has actively supported a democratic transition in Chile, condemned violence from all sides, urged dialog between the government and democratic opposition leaders leading to a broad consensus on a transition to full democracy, and has also promoted increased respect for human rights in Chile;

(5) the United States has voiced legitimate concern regarding the failure of the Chilean Government to cooperate with the prosecution of those indicted for the 1976 assassination of former Chilean diplomat Orlando Letelier and American citizen Ronni Moffitt, and to bring to justice those members of government security forces reported to have beaten and set on fire Carmen Gloria Quintana and Rodrigo Rojas de Negri;

(6) on August 1, 1978, a United States Federal grand jury indicted three members of the Chilean intelligence service, General Manuel Contreras, Captain Armando Fernandez Larios, and Colonel Pedro Espinoza, for conspiracy in the September 21, 1976, murders of Orlando Letelier and Ronni Karpen Moffitt; Armando Fernandez Larios affirmed the grand jury indictment in his February 4, 1987, testimony before the United States District Court in Washington, District of Columbia;

(7) free elections and democratic government are conditions which lead to public accountability and thus to observance of human rights in Chile and all other countries;

(8) the Universal Declaration of Human Rights determines free elections to be a basic human right and states that the "will of the people shall be the basis of government; this will shall be expressed in equal suffrage and shall be held by secret vote or by equivalent voting procedures";

(9) the United States believes that a free, fair and open election which offers a clear choice of candidates and political views is the best formula for choosing democratic leaders and insuring a peaceful transition to democracy in Chile; and

(10) the United States, in view of longstanding friendly ties between the American and Chilean people, recognizes that only the Chilean people can bring about a transition to democracy but wishes to encourage a situation in which a return to fully functioning democracy will occur in the near future and in which the Chilean people will have the opportunity to elect democratically their own leaders.

(b) The Congress hereby—

(1) looks forward to the early return of the Chilean Armed Forces to its traditional role as a pillar of strength in the support of democracy in Chile; and

(2) calls upon the Government of Chile to make appropriate compensation to the members of the Letelier and Moffitt families and urges the Chilean Government to make available for trial in the United States or bring to justice in Chile Manuel Contreras and Pedro Espinoza for their involvement in the assassination and subsequent coverup of their role in the 1976 car bombing of Orlando Letelier and Ronni Karpen Moffitt; and

(3) strongly urges that the Government of Chile takes steps to—

(A) assure that military rule in Chile ends at least by 1989;

(B) ensure that the next democratically elected president of Chile is chosen from civilian candidates who offer a clear choice of political views;

(C) facilitate and assure voting procedures for the electoral process which are genuinely fair and based upon universal and equal suffrage with broad participation and which ensure that the vote will be accurately counted and subject to independent verification;

(D) in accord with past Chilean traditions, such clear and agreed upon procedures should be established well in advance of any electoral act so that all Chileans can be confident that the vote will be accurately counted and subject to independent verification; and

(E) ensure that prior to any electoral process, freedom of assembly and expression are fully restored and nonviolent government opponents are given early and fair access to every means of communication, including television.

ECONOMIC SUPPORT FUND APPROPRIATION

Provided further, That of the funds appropriated under this heading not less than $1,000,000 shall be made available, notwithstanding any other provision of law, only for the promotion of democratic activities in Chile leading to a transition to democracy:

6 Foreign Operations, Export Financing, and
Related Programs Appropriations Act, 1989
(P.L. 100-461, November 18, 1988)

CHILE—LOANS FROM MULTILATERAL DEVELOPMENT INSTITUTIONS

SEC. 547.[67] (a) It is the sense of Congress that pursuant to section 701 of the International Financial Institutions Act of 1977, the United States Government should oppose all loans to Chile from international financial institutions, except for those for basic human needs, until—

(1) the Government of Chile has ended its practice and pattern of gross abuse of internationally recognized human rights;

(2) significant steps have been taken by the Government of Chile to restore democracy, including—

(A) the implementation of political reforms which are essential to the development of democracy, such as the legalization of political parties, the enactment of election laws, the establishment of freedom of speech and the press, and the fair and prompt administration of justice; and

(B) a precise and reasonable timetable has been established for the transition to democracy.

(b) Except for programs under section 534(b) (4) or (6) of the Foreign Assistance Act of 1961 to support the efforts of private groups and individuals seeking to develop a national consensus on the importance of an independent judiciary and the administration of justice generally in a democratic society, assistance for which programs may be made available notwithstanding section 726 of the International Security and Development Cooperation Act of 1981, none of the funds made available by this Act for the "Economic Support Fund" or for title III shall be obligated or expended for Chile.

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[67] Similar language was first enacted as sec. 557 of the Foreign Assistance Appropriations Act, 1987.

E. Cuba

1. Guantanamo Naval Base Agreements, 1903 and 1934

Treaty Between the United States of America and Cuba, 1934

Signed at Washington, May 29, 1934; Ratification advised by the Senate of the United States, May 31, 1934 (legislative day of May 28, 1934); Ratified by the President of the United States, June 5, 1934; Ratified by Cuba, June 4, 1934; Ratifications exchanged at Washington, June 9, 1934; Proclaimed by the President of the United States, June 9, 1934

By the President of the United States of America

A PROCLAMATION

Whereas a Treaty of Relations between the United States of America and the Republic of Cuba was concluded and signed by their respective Plenipotentiaries at Washington on the twenty-ninth day of May, one thousand nine hundred and thirty-four, the original of which Treaty, being in the English and Spanish languages, is word for word as follows:

The United States of America and the Republic of Cuba, being animated by the desire to fortify the relations of friendship between the two countries and to modify, with this purpose, the relations established between them by the Treaty of Relations signed at Habana, May 22, 1903, have appointed, with this intention, as their Plenipotentiaries:

The President of the United States of America; Mr. Cordell Hull, Secretary of State of the United States of America, and Mr. Sumner Welles, Assistant Secretary of State of the United States of America; and

The Provisional President of the Republic of Cuba, Senor Dr. Manuel Marquez Sterling, Ambassador Extraordinary and Plenipotentiary of the Republic of Cuba to the United States of America;

Who, after having communicated to each other their full powers which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I

The treaty of Relations which was concluded between the two contracting parties on May 22, 1903, shall cease to be in force, and is abrogated, from the date on which the present Treaty goes into effect.

ARTICLE II

All the acts effected in Cuba by the United States of America during its military occupation of the island, up to May 20, 1902, the date on which the Republic of Cuba was established, have been ratified and held as valid; and all the rights legally acquired by virtue of those acts shall be maintained and protected.

ARTICLE III

Until the two contracting parties agree to the modification or abrogation of the stipulations of the agreement in regard to the lease to the United States of America of lands in Cuba for coaling and naval stations signed by the President of the Republic of Cuba on February 16, 1903, and by the President of the United States of America on the 23d day of the same month and year, the stipulations of that agreement with regard to the naval station of Guantanamo shall continue in effect. The supplementary agreement in regard to naval or coaling stations signed between the two Governments on July 2, 1903, also shall continue in effect in the same form and on the same conditions with respect to the naval station at Guantanamo. So long as the United States of America shall not abandon the said naval station of Guantanamo or the two Governments shall not agree to a modification of its present limits, the station shall continue to have the territorial area that it now has, with the limits that it has on the date of the signature of the present Treaty.

ARTICLE IV

If at any time in the future a situation should arise that appears to point to an outbreak of contagious disease in the territory of either of the contracting parties, either of the two Governments shall, for its own protection, and without its act being considered unfriendly, exercise freely and at its discretion the right to suspend communications between those of its ports that it may designate and all or part of the territory of the other party, and for the period that it may consider to be advisable.

ARTICLE V

The present Treaty shall be ratified by the contracting parties in accordance with their respective constitutional methods; and shall go into effect on the date of the exchange of their ratifications, which shall take place in the city of Washington as soon as possible.

In faith whereof, the respective Plenipotentiaries have signed the present Treaty and have affixed their seals hereto.

Done in duplicate, in the English and Spanish languages, at Washington on the Twenty-ninth day of May, one thousand nine hundred and thirty-four.

CORDELL HULL [SEAL]
SUMNER WELLES [SEAL]
M. MARQUEZ STERLING [SEAL]

And whereas, the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the ninth day of June, one thousand nine hundred and thirty-four;

Now, therefore, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this ninth day of June, in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D. ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

Lease of Coaling or Naval Stations, 1903

Signed by the President of Cuba, February 16, 1903; Signed by the President of the United States, February 23, 1903

AGREEMENT

Between the United States of America and the Republic of Cuba for the lease (subject to terms to be agreed upon by the two Governments) to the United States of lands in Cuba for coaling and naval stations.

The United States of America and the Republic of Cuba, being desirous to execute fully the provisions of Article VII of the Act of Congress approved March second, 1901, and of Article VII of the Appendix to the Constitution of the Republic of Cuba promulgated on the 20th of May, 1902, which provide:

"ARTICLE VII. To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Cuban Government will sell or lease to the United States the lands necessary for coaling or naval stations, at certain specified points, to be agreed upon with the President of the United States."

have reached an agreement to that end, as follows:

ARTICLE I

The Republic of Cuba hereby leases to the United States, for the time required for the purposes of coaling and naval stations, the following described areas of land and water situated in the Island of Cuba:

1st. In Guantanamo (see Hydrographic Office Chart 1857). From a point on the south coast, 4.37 nautical miles to the eastward of Windward Point Light House, a line running north (true) a distance of 4.25 nautical miles;

From the northern extremity of this line, a line running west (true), a distance of 5.87 nautical miles;

From the western extremity of this last line, a line running southwest (true) 3.31 nautical miles;

From the southwestern extremity of this last line, a line running south (true) to the seacoast.

This lease shall be subject to all the conditions named in Article II of this agreement.

2nd. In Northwestern Cuba (see Hydrographic Office Chart 2036).
In Bahia Honda (see Hydrographic Office Chart 520b).

All that land included in the peninsula containing Cerro del Morrillo and Punta del Carenero situated to the westward of a line running south (true) from the north coast at a distance of thirteen hundred yards east (true) from the crest of Cerro del Morrillo, and all the adjacent waters touching upon the coast line of the above described peninsula and including the estuary south of Punta del Carenero with the control of the headwaters as necessary for sanitary and other purposes.

And in addition all that piece of land and its adjacent waters on the western side of the entrance to Bahia Honda including between the shore line and a line running north and south (true) to low water marks through a point which is west (true) distant one nautical mile from Pta. del Cayman.

ARTICLE II

The grant of the foregoing Article shall include the right to use and occupy the waters adjacent to said areas of land and water, and to improve and deepen the entrances thereto and the anchorages therein, and generally to do any and all things necessary to fit the premises for use as coaling or naval stations only, and for no other purpose.

Vessels engaged in the Cuban trade shall have free passage through the waters included within this grant.

ARTICLE III

While on the one hand the United States recognizes the continuance of the ultimate sovereignty of the Republic of Cuba over the above described areas of land and water, on the other hand the Republic of Cuba consents that during the period of the occupation by the United States of said areas under the terms of this agreement the United States shall exercise complete jurisdiction and control over and within said areas with the right to acquire (under conditions to be hereafter agreed upon by the two Governments) for the public purposes of the United States any land or other property therein by purchase or by exercise of eminent domain with full compensation to the owners thereof.

Done in duplicate at Habana, and signed by the President of the
[SEAL] Republic of Cuba this sixteenth day of February, 1903.

T. ESTRADA PALMA

Signed by the President of the United States the twenty-third of February, 1903.

[SEAL] THEODORE ROOSEVELT

Lease to the United States by the Government of Cuba of Certain Areas of Land and Water for Naval or Coaling Stations in Guantanamo and Bahia Honda, 1903

Signed at Habana, July 2, 1903; Approved by the President, October 2, 1903; Ratified by the President of Cuba, August 17, 1903; Ratifications exchanged at Washington, October 6, 1903

The United States of America and the Republic of Cuba, being desirous to conclude the conditions of the lease of areas of land and water for the establishment of naval or coaling stations in Guantanamo and Bahia Honda the Republic of Cuba made to the United States by the Agreement of February 16/23, 1903, in fulfillment of the provisions of Article Seven of the Constitutional Appendix of the Republic of Cuba, have appointed their Plenipotentiaries to that end.—

The President of the United States of America, Herbert G. Squiers, Envoy Extraordinary and Minister Plenipotentiary in Havana.

And the President of the Republic of Cuba, Jose M. Garcia Montes, Secretary of Finance, and acting Secretary of State and Justice, who, after communicating to each other their respective full powers, found to be in due form, have agreed upon the following Articles;—

ARTICLE I

The United States of America agrees and covenants to pay to the Republic of Cuba the annual sum of two thousand dollars, in gold coin of the United States, as long as the former shall occupy and use said areas of land by virtue of said agreement.

All private lands and other real property within said areas shall be acquired forthwith by the Republic of Cuba.

The United States of America agrees to furnish to the Republic of Cuba the sums necessary for the purchase of said private lands and properties and such sums shall be accepted by the Republic of Cuba as advance payment on account of rental due by virtue of said Agreement.

ARTICLE II

The said areas shall be surveyed and their boundaries distinctly marked by permanent fences or inclosures.

The expenses of construction and maintenance of such fences or inclosures shall be borne by the United States.

ARTICLE III

The United States of America agrees that no person, partnership, or corporation shall be permitted to establish or maintain a commercial, industrial or other enterprise within said areas.

2. Foreign Assistance Act of 1961,
(Public Law 87-195, September 4, 1961), as amended
Sec. 620(a)

Sec. 620.[567] **Prohibitions Against Furnishing Assistance.**[568]—(a)(1)[569] No assistance shall be furnished under this Act to the present government of Cuba.[570] As an additional means of implementing and carrying into effect the policy of the preceding sentence, the President is authorized to establish and maintain a total embargo upon all trade between the United States and Cuba.

(2)[571] Except as may be deemed necessary by the President in the interest of the United States, no assistance shall be furnished under this Act to any government of Cuba, nor shall Cuba be entitled to receive any quota authorizing the importation of Cuban sugar into the United States or to receive any other benefit under any law of the United States, until the President determines that such government has taken appropriate steps according to international law standards to return to United States citizens, and to entities not less than 50 per centum beneficially owned by United States citizens, or to provide equitable compensation to such citizens and entities for property taken from such citizens and entities on or after January 1, 1959, by the Government of Cuba.

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[567] 22 U.S.C. 2370.

[568] Sec. 301(d)(1) of the FA Act of 1965 substituted "PROHIBITIONS AGAINST FURNISHING ASSISTANCE.—" for "PROHIBITIONS AGAINST FURNISHING ASSISTANCE TO CUBA AND CERTAIN OTHER COUNTRIES.—" But see Secs. 491(b) and 664 of this Act.

[569] Sec. 301(e)(1)(A) of the FA Act of 1963 inserted "(1)" after subsec. (a).

[570] The phrase, "; nor shall any such assistance be furnished to any country which furnishes assistance to the present government of Cuba unless the President determines that such assistance is in the national interest of the United States", which formerly appeared at this point, was struck out by sec. 123(a)(1) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 541).

[571] Pars. (2) and (3) were added by sec. 301(e)(1)(B) of the FA Act of 1963. Paragraph (3) was subsequently repealed by sec. 123(a)(2) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 541). It formerly read as follows:

"(3) No funds authorized to be made available under this Act (except under section 214) shall be used to furnish assistance to any country which has failed to take appropriate steps, not later than 60 days after the date of enactment of the Foreign Assistance Act of 1963—

"(A) to prevent ships or aircraft under its registry from transporting to Cuba (other than to United States installations in Cuba)—

"(i) any items of economic assistance,

"(ii) any items which are, for the purposes of title I of the Mutual Defense Assistance Control Act of 1951, as amended, arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, or items of primary strategic significance used in the production of arms, ammunition, and implements of war, or

"(iii) any other equipment, materials, or commodities, so long as Cuba is governed by the Castro regime; and

"(B) to prevent ships or aircraft under its registry from transporting any equipment, materials, or commodities from Cuba (other than from United States installations in Cuba) so long as Cuba is governed by the Castro regime."

3. Cuba Resolution Expressing U.S. Determination Against Cuban Aggression and Subversive Activities (Public Law 87-733, October 3, 1962)

Public Law 87-733 [S.J. Res. 230], 76 Stat. 697, approved October 3, 1962 [1]

JOINT RESOLUTION Expressing the determination of the United States with respect to the situation in Cuba.

Whereas President James Monroe, announcing the Monroe Doctine in 1823, declared that the United States would consider any attempt on the part of European powers to "extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "the present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the International Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

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[1] See also P.L. 97-257, 96 Stat. 833 and Sec. 1543 of P.L. 98-525 which reaffirmed P.L. 87-733.

4. International Claims Settlement Act of 1949, (Public Law 81-455, October 16, 1964), as amended

TITLE V[50]

PURPOSE OF TITLE

Sec. 501.[51] It is the purpose of this title to provide for the determination of the amount and validity of claims against the Government of Cuba, or the Chinese Communist regime,[52] which have arisen since January 1, 1959, in the case of claims against the Government of Cuba, or since October 1, 1949 in the case of claims against the Chinese Communist regime,[53] out of nationalization, expropriation, intervention, or other takings of, or special measures directed against, property of nationals of the United States, and claims for disability or death of nationals of the United States arising out of violations of international law by the Government of Cuba, or the Chinese Communist regime,[52] in order to obtain information concerning the total amount of such claims against the Government of Cuba, or the Chinese Communist regime,[52] on behalf of nationals of the United States. This title shall not be construed as authorizing an appropriation or as any intention to authorize an appropriation for the purpose of paying such claims.

Sec. 502. For the purposes of this title:

(1) The term "national of the United States," means (A) a natural person who is a citizen of the United States, or (B) a corporation or other legal entity which is organized under the laws of the United States, or of any States, the District of Columbia, or the

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[50] 22 U.S.C. 1643-1643k. Title V was added by Public Law 88-666 (78 Stat. 1110). Public Law 89-780 (80 Stat. 1365) amended title V to provide for the determination of the amounts of claims of nationals of the United States.

[51] Sec. 501 was amended by Public Law 89-262, 79 Stat. 988 which struck out "which have arisen out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or".

[52] This section was amended by Public Law 89-780 (80 Stat. 1365) by inserting ", or the Chinese Communist regime," after "the Government of Cuba" at each place it appears in such section.

[53] This section was amended by Public Law 89-780 (80 Stat. 1365) by inserting "in the case of claims against the Government of Cuba, or since October 1, 1949, in the case of claims against the Chinese Communist regime," after "since January 1, 1959.".

Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity. The term does not include aliens.

(2) The term "Commission" means the Foreign Claims Settlement Commission of the United States.

(3) The term "property" means any property, right, or interest, including any leasehold interest, and debts owned by the Government of Cuba or the Chinese Communist regime [52] or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba or the Chinese Communist regime [52] and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba or the Chinese Communist regime.[52]

(4) The term "Government of Cuba" includes the government of any political subdivision, agency, or instrumentality thereof.

(5) [54] The term "Chinese Communist regime" means the so-called People's Republic of China, including any political subdivision, agency, or instrumentality thereof.

RECEIPT OF CLAIMS

Sec. 503. (a) The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba [55] or the Chinese Communist regime,[52] arising since January 1, 1959, in the case of claims against the Government of Cuba, or since October 1, 1949, in the case of claims against the Chinese Communist regime,[56] for losses resulting from the nationalization, expropriation, intervention, or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States, if such claims are submitted to the Commission within such period specified by the Commission by notice published in the Federal Register (which period shall not be more than eighteen months after such publication) within sixty days after the enactment of this title or sixty days after the enactment of the amendments made thereto with respect to claims against the Chinese Communist regime,[57] or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions with respect to each respective claims program authorized under this title, whichever date is later. In making the determination with respect to the validity and the amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to, (i) fair market value, (ii) book value, (iii) going concern value, or (iv) cost of replacement.

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[54] This paragraph was added by sec. 2 of Public Law 89-780 (80 Stat. 1365).

[55] Sec. 2 of Public Law 89-262 (79 Stat. 988) struck out "arising out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or which previously appeared at this point".

[56] This section was amended by sec. 3 of Public Law 89-780 (80 Stat. 1365) by inserting "in the case of claims against the Government of Cuba, or since October 1, 1949, in the case of claims against the Chinese Communist regime," after "since January 1, 1959.".

[57] This section was amended by sec. 3 of Public Law 89-780 (80 Stat. 1365) by inserting "or sixty days after the enactment of the amendments made thereto with respect to claims against the Chinese Communist regime," after "within sixty days after the enactment of this title".

(b) The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba, or the Chinese Communist regime,[52] arising since January 1, 1959, in the case of claims against the Government of Cuba, or since October 1, 1949, in the case of claims against the Chinese Communist regime,[53] for disability or death resulting from actions taken by or under the authority of the Government of Cuba, or the Chinese Communist regime,[52] if such claims are submitted to the Commission within the period established by the Commission under subsection (a), or within six months after the date the claims first arose (as determined by the Commission), whichever date last occurs.

OWNERSHIP OF CLAIMS

Sec. 504. (a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

(b) A claim for disability under section 503(b) may be considered if it is filed by the disabled person or by his successors in interest; and a claim for death under section 503(b) may be considered if filed by the personal representative of decedent's estate or by a person or persons for pecuniary losses and damage sustained on account of such death. A claim shall not be considered under this section unless the disabled or deceased person was a national of the United States at the time of injury or death and if considered, shall be considered only to the extent the claim has been held by a national or nationals of the United States continuously until the date of filing with the Commission.

CORPORATE CLAIMS

Sec. 505. (a) A claim under section 503(a) of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall not be considered. A claim under section 503(a) of this title based upon a debt or other obligation owing by any corporation, association, or other entity organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico shall be considered, only when such debt or other obligation is a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba, or the Chinese Communist regime.[58]

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[58] This sentence was added by sec. 3 of Public Law 89-262 (79 Stat. 988). The sentence was amended by sec. 4 of Public Law 89-780 (80 Stat. 1365), by adding to the end thereof a comma and the following: "or the Chinese Communist regime.".

(b) A claim under section 503(a) of this title based upon a direct ownership interest in a corporation, association, or other entity for loss shall be considered, subject to the other provisions of this title, if such corporation, association, or other entity on the date of the loss was not a national of the United States, without regard to the per centum of ownership vested in the claimant.

(c) A claim under section 503(a) of this title based upon an indirect ownership interest in a corporation, association, or other entity for loss shall be considered, subject to the other provisions of this title, only if at least 25 per centum of the entire ownership interest thereof at the time of such loss was vested in nationals of the United States.

(d) The amount of any claim covered by subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant at the time of loss bears to the entire ownership interest thereof.

OFFSETS

Sec. 506.[59] In determining the amount of any claim, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses.

ACTION OF COMMISSION WITH RESPECT TO CLAIMS

Sec. 507. (a) The Commission shall certify to each individual who has filed a claim under this title the amount determined by the Commission to be the loss of damage suffered by the claimant which is covered by this title. The Commission shall certify to the Secretary of State such amount and the basic information underlying that amount, together with a statement of the evidence relied upon and the reasoning employed in reaching its decision.

(b) The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

TRANSFER OF RECORDS

Sec. 508. The Secretary of State shall transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title as may be required by the Commission in carrying out its functions under this title.

APPLICATION OF OTHER LAWS

Sec. 509. To the extent they are not inconsistent with the provisions of this title, the following provisions of title I of this Act shall be applicable to this title: Subsections (b), (c), (d), (e), (h), and (j) of section 4; subsection (f) of section 7.

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[59] Sec. 506 was amended by sec. 4 of Public Law 89-262 (79 Stat. 988) by striking out: "*Provided*, That the deduction of such amounts shall not be construed as divesting the United States of any rights against the Government of Cuba for the amounts so deducted".

SETTLEMENT PERIOD

Sec. 510.[60] The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than July 6, 1972.

APPROPRIATIONS

Sec. 511.[61] There are hereby authorized to be appropriated such sums as may be necessary to enable the Commission to pay its administration expenses incurred in carrying out its functions under this title.

FEES FOR SERVICES

Sec. 512. No remuneration on account of any services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title shall exceed 10 per centum of so much of the total amount of such claim, as determined under this title, as does not exceed $20,000, plus 5 per centum of so much of such amount, if any, as exceeds $20,000. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

SEPARABILITY

Sec. 513. If any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the reminder of the Act, or the application of such provision to other persons or circumstances, shall not be affected.

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[60] Sec. 510 was amended by Public Law 91-157 (83 Stat. 435).

[61] Sec. 511 as added by Public Law 88-666 (78 Stat. 1113), was amended by sec. 5 of Public Law 89-262, 79 Stat. 988.

5. Departments of State, Justice, and Commerce, the Judiciary and Related Agencies Appropriations Act, (Public Law 95-86, August 2, 1977)

Sec. 708

Settlement of property confiscated by Cuba.

SEC. 708. No part of any appropriation contained in this Act shall be used for the purpose of negotiating a settlement of United States claims against private property confiscated by the Cuban Government at less than the principal value, giving full consideration to the amounts certified by the United States Foreign Claims Settlement Commission on July 6, 1972.

Short title.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1978".

Approved August 2, 1977.

6. Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-105, August 17, 1977)

Sec. 511

NEGOTIATIONS WITH CUBA

Sec. 511. (a) It is the sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and on a reciprocal basis, and that the vital concerns of the United States with respect to the basic rights and interests of United States citizens whose persons or property are the subject of such negotiations be protected.

(b) Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders and its disrespect for the human rights of individuals are among the elements which must be taken into account in any such negotiations.

7. Foreign Relations Authorization Act, Fiscal Year 1979 (Public Law 95-426, October 7, 1978)

Sec. 613

CUBAN PRESENCE IN AFRICA

Sec. 613.[33] The Congress finds that—

(1) the President authorized the exchange of notes of May 30, 1977, between the Governments of the United States and Cuba which established an Interests Section for the United States in the Embassy of Switzerland in Havana and an Interests Section for Cuba in the Embassy of Czechoslovakia in Washington;

(2) the President has the authority under the Export Administration Act of 1969 to limit trade with Cuba being conducted by subsidiaries of American firms operating in third countries;

(3) the President has the power to sever all diplomatic and economic relations with Cuba; and

(4) there has been a sharp increase in the number of Cuban military personnel serving in Africa in the past year.

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[33] 22 U.S.C. 2370 note. Sec. 505(a) of Public Law 97-241 (96 Stat. 299) repealed subsec. (b) of this section which had required a report from the President reviewing U.S. diplomatic and economic relations with Cuba. The President submitted this report on Feb. 8, 1979.

8. Education Amendments of 1980, (Public Law 96-374, October 3, 1980) Title XIII, Part E*

PART E—SPECIAL IMPACT AID PROGRAM

PROGRAM AUTHORIZED

SEC. 1341. The Act of September 30, 1950 (Public Law 874, 81st Cong.), relating to impact aid, is amended by adding after section 4 the following new section:

"SPECIAL PROGRAM

20 USC 239a.

"SEC. 4A. (a)(1) Any local educational agency that experiences an enrollment increase in any school year of at least 20 students as a result of the entry into any school supported by such agency of eligible children shall be eligible to receive payment for such children enrolled in its schools in accordance with the provisions of this section.

"Eligible children."

"(2) For purposes of this section the term 'eligible children' means—

"(A) aliens who fled from Cambodia, Vietnam, or Laos and who, on or after January 1, 1979—

"(i) were admitted into the United States as refugees under section 207 of the Immigration and Nationality Act; *Ante*, p. 103.

"(ii) are applicants for asylum or have been granted asylum in the United States; or

"(iii) were paroled into the United States as refugees under section 212(d)(5) of the Immigration and Nationality Act; or 8 USC 1182.

"(B) aliens who fled from Cuba or Haiti and who, on or after November 1, 1979—

"(i) were admitted into the United States as refugees under section 207 of the Immigration and Nationality Act;

"(ii) are applicants for asylum or have been granted asylum in the United States;

"(iii) are paroled into the United States as refugees under section 212(d)(5) of the Immigration and Nationality Act; or

"(iv) are Cuban-Haitian entrants (status pending) who entered the United States on or after such date.

Payment computation.

"(3)(A) Each such local educational agency is authorized to receive for the fiscal year 1981 an amount equal to the product of the number of eligible children in average daily attendance in the schools of such agency in excess of 20 such eligible children multiplied by the current local expenditure rate of that local educational agency, plus $200 for each such eligible child in excess of 20.

"(B) For the purpose of this paragraph the current local expenditure rate shall be deemed to be the non-Federal expenditure rate of the local educational agency.

"(4) No provision of this Act which is inconsistent with the provisions of this section shall apply to the administration of this section.

"(5) Each local educational agency which is authorized to receive assistance under this section shall provide the Secretary with assurances that no eligible child counted for the purpose of this section shall be counted for payments made under any other provision of this Act.

"(b) There are authorized to be appropriated for the fiscal year 1981 such sums as may be necessary to carry out the provisions of this section.".

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*Note: Sec. 4A, as added by Sec. 1341 of Public Law 96-374, was repealed by Sec. 542 of the Consolidated Refugee Education Assistance Act (Public Law 97-35; 95 Stat. 458).

9. Refugee Education Assistance Act of 1980, (Public Law 96-422, October 10, 1980)

Partial text of Public Law 96–422 [H.R. 7859], 94 Stat. 1799, approved October 10, 1980

AN ACT to provide general assistance educational agencies for the education of Cuban and Haitian refugee children, to provide special impact aid of such agencies for the education of Cuban and Haitian refugee children and Indochinese refugee children, and to provide assistance to State educational agencies for the education of Cuban and Haitian refugee adults.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Refugee Education Assistance Act of 1980".

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TITLE V—OTHER PROVISIONS RELATING TO CUBAN AND HAITIAN ENTRANTS

AUTHORITIES FOR OTHER PROGRAMS AND ACTIVITIES

Sec. 501.[1] (a)(1) The President shall exercise authorities with respect to Cuban and Haitian entrants which are identical to the authorities which are exercised under chapter 2 of title IV of the Immigration and Nationality Act. The authorizations provided in section 414 of that Act shall be available to carry out this section without regard to the dollar limitation contained in section 414(a)(2).

(2) Any reference in chapter III of title I of the Supplemental Appropriations and Rescission Act, 1980, to section 405(c)(2) of the International Security and Development Assistance Act of 1980 or to the International Security Act of 1980 shall be construed to be a reference to paragraph (1) of this subsection.

(b) In addition, the President may, by regulation, provide that benefits granted under any law of the United States (other than the Immigration and Nationality Act) with respect to individuals admitted to the United States under section 207(c) of the Immigration and Nationality Act shall be granted in the same manner and to the same extent with respect to Cuban and Haitian entrants.

(a)(1)(A) Any Federal agency may, under the direction of the president, provide assistance (in the form of materials, supplies, equipment, work, services, facilities, or otherwise) for the processing, care, maintenance, security, transportation, and initial reception and placement in the United States of Cuban and Haitian entrants. Such assistance shall be provided on such terms and conditions as the President may determine.

(B) Funds available to carry out this subsection shall be used to reimburse State and local governments for expenses which they incur for the purposes described in subparagraph (A). Such funds may be used to reimburse Federal agencies for assistance which they provide under subparagraph (A).

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[1] 8 U.S.C. 1522 note.

(2) The President may direct the head of any Federal agency to detail personnel of that agency, on either a reimbursable or non-reimbursable basis, for temporary duty with any Federal agency directed to provide supervision and management for purposes of this subsection.

(3) The furnishing of assistance or other exercise of functions under this subsection shall not be considered a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

(4) Funds to carry out this subsection may be available until expended.

(5) To facilitate the transfer of the functions described in paragraph (1) from the Federal Emergency Management Agency to other Federal agencies pursuant to this subsection, the purposes for which the funds appropriated to the President in the first paragraph under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" in chapter VII of title I of the Supplemental Appropriations and Rescission Act, 1980, are available may be construed to include use in carrying out this subsection to the extent that those funds are allocated for use for any of the purposes described in paragraph (1) of this subsection.

(d) The authorities provided in this section are applicable to assistance and services provided with respect to Cuban or Haitian entrants at any time after their arrival in the United States, including periods prior to the enactment of this section.

(e) As used in this section, the term "Cuban and Haitian entrant" means—

(1) any individual granted parole status as a Cuban-Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; and

(2) any other national of Cuba or Haiti—

(A) who—

(i) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;

(ii) is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or

(iii) has an application for asylum pending with the Immigration and Naturalization Service; and

(B) with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered.

10. International Security and Development Cooperation Act of 1980 (Public Law 96-533, December 16, 1980), Sec. 714

Sec. 715 Sec. 716

SOVIET MILITARY PERSONNEL AND ACTIVITIES IN CUBA

Sec. 714.[33] * * * [Repealed—1981]

CUBAN REFUGEES

Sec. 715. (a) The Congress finds that—

(1) the flow of refugees for political, economic, or other compelling reasons is a growing and world-wide phenomenon;

(2) the United States represents freedom of thought and action and economic opportunity and has historically played a major role in providing a home to the refugees of the world;

(3) an orderly and lawful refugee process is necessary for the furtherance of United States domestic well-being;

(4) continuation of the traditional compassionate and humanitarian policy of the United States regarding entry to its shores of refugees and other victims of oppression is threatened by the precipitate influx of large numbers of Cubans fleeing their country;

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[33] Sec. 714, which had required quarterly and annual reports to Congress regarding the military capabilities and deployment of Soviet military personnel in Cuba and Soviet military assistance to the armed forces of Cuba, was repealed by sec. 734(a)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

(5) the United States has sought to negotiate with the Government of Cuba to establish a lawful, safe, and orderly process by which Cubans may be allowed to leave their country; and

(6) the Cuban refugee crisis is a problem of international concern and other nations should contribute to its resolution.

(b)(1) The Congress urges the President to take the necessary steps to encourage and secure greater international cooperation with respect to the large number of Cuban natives who have recently fled or are attempting to flee Cuba. Such steps should include seeking the agreement of other countries to admit some of those persons into their respective countries and to contribute funds and other assistance for the resettlement of those persons.

(2) In order to encourage countries throughout the world which are recipients of United States bilateral and multilateral assistance to permit and to help finance the resettlement of Cuban and other refugees within their borders, the President shall, to the maximum extent feasible, attempt to channel such assistance to countries which have demonstrated a willingness to provide assistance to Cuban and other refugees.

(c) It is the sense of the Congress that, in carrying out subsection (b)(1), the President should seek the discussion, in an appropriate international forum such as the United Nations or the Organization of American States, of the situation involving the flight of large numbers of Cuban natives from Cuba, of the resettlement of Cuban refugees, and of means by which a more orderly process may be established to handle future crises of a similar nature.

INCARCERATION AND DEPORTATION OF CERTAIN CUBANS

Sec. 716.[25] The Congress finds that the United States Government has already incarcerated recently arrived Cubans who are admitted criminals, are security threats, or have incited civil disturbances in Federal processing facilities. The Congress urges the Executive branch, consistent with United States law, to seek the deportation of such individuals.

11. Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97-241, August 24, 1982), Sec. 404

RADIO BROADCASTING TO CUBA

Sec. 404. Any program of the United States Government involving radio broadcasts directed principally to Cuba, for which funds are authorized to be appropriated by this Act or any other Act, shall be designated as "Radio Marti".

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[25] 8 U.S.C. 1522 note.

13. Radio Broadcasting to Cuba Act (Public Law 98-111, October 4, 1983), as amended

Public Law 98-111 [S. 602], 97 Stat. 749, approved October 4, 1983, as amended by Public Law 98-411 [H.R. 5712], 98 Stat. 1545 at 1574, approved August 30, 1984

AN ACT To provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Radio Broadcasting to Cuba Act".

FINDINGS; PURPOSES

Sec. 2.[1] The Congress finds and declares—

(1) that it is the policy of the United States to support the right of the people of Cuba to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accordance with article 19 of the Universal Declaration of Human Rights;

(2) that, consonant with this policy, radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba;

(3) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest; and

(4) that the Voice of America already broadcasts to Cuba information that represents America, not any single segment of American society, and includes a balanced and comprehensive projection of significant American thought and institutions but that there is a need for broadcasts to Cuba which provide news, commentary and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

ADDITIONAL FUNCTIONS OF THE UNITED STATES INFORMATION AGENCY

Sec. 3.[2] (a) In order to carry out the objectives set forth in section 2, the United States Information Agency (hereafter in this Act referred to as the "Agency") shall provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. Radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(b) Radio broadcasting in accordance with subsection (a) shall be part of the Voice of America radio broadcasting to Cuba and shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views.

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[1] 22 U.S.C. 1465.

[2] 22 U.S.C. 1465a.

(c) Radio broadcasting to Cuba authorized by this Act shall utilize the broadcasting facilities located at Marathon, Florida, and the 1180 AM frequency that were used by the Voice of America prior to the date of enactment of this Act. Other frequencies, not on the commercial Amplitude Modulation (AM) Band (535 kHz to 1605 kHz), may also be simultaneously utilized: *Provided,* That no frequency shall be used for radio broadcasts to Cuba in accordance with this Act which is not also used for all other Voice of America broadcasts to Cuba. Time leased from nongovernmental shortwave radio stations may be used to carry all or part of the Service programs and to rebroadcast Service programs: *Provided,* That not less than 30 per centum of the programs broadcast or rebroadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80–402.

(d) Notwithstanding subsection (c), in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25 per centum or more than the average daily jamming or interference in the twelve months preceding September 1, 1983, the Director of the United States Information Agency may lease time on commercial or noncommercial educational AM band radio broadcasting stations. The Federal Communications Commission shall determine levels of jamming and interference by conducting regular monitoring of the 1180 AM frequency. In the event that more than two hours a day of time is leased, not less than 30 per centum of the programing broadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80–402.

(e) Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated "Voice of America: Cuba Service" or "Voice of America: Radio Marti program".

(f) In the event broadcasting facilities located at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction, the Director of the United States Information Agency may, for the period in which the facilities are inoperable but not to exceed one hundred and fifty days, use other United States Government-owned transmission facilities for Voice of America broadcasts to Cuba authorized by this Act.

CUBA SERVICE OF THE VOICE OF AMERICA

Sec. 4.[3] The Director of the United States Information Agency shall establish within the Voice of America a Cuba Service (hereafter in this section referred to as the "Service"). The Service shall be responsible for all radio broadcasts to Cuba authorized by section 3. The Director of the United States Information Agency shall appoint a head of the Service and shall employ such staff as the head of the Service may need to carry out his duties. The Cuba Service shall be administered separately from other Voice of America functions and the head of the Cuba Service shall report directly to the Director and the Associate Director for Broadcasting of the United States Information Agency.

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[3] 22 U.S.C. 1465b.

BOARD FOR RADIO BROADCASTING TO CUBA

Sec. 5.[4] (a) There is established within the Office of the President the Advisory Board for Radio Broadcasting to Cuba (hereafter in this Act referred to as the "Board"). The Board shall consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom not more than five shall be members of the same political party. The President shall designate one member of the Board to serve as Chairman.

(b) The Board shall review the effectiveness of the activities carried out under this Act and shall make such recommendations to the President, the Director and the Associate Director for Broadcasting of the United States Information Agency as it may deem necessary.

(c) In appointing the initial voting members of the Board, the President shall designate three members to serve for a term of three years, three members to serve for a term of two years, and three members to serve for a term of one year. Thereafter, the term of each member of the Board shall be three years. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(d) The head of the Service shall serve, ex officio, as a member of the Board.

(e) Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The ex officio member of the Board shall not be entitled to any compensation under this section, but may be allowed travel expenses as provided in the preceding sentence.

(f) The Board may, to the extent it deems necessary to carry out its functions under this section, procure supplies, services, and other personal property, including specialized electronic equipment.

(g) Notwithstanding any other provision of law, the Board shall remain in effect indefinitely.

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[4] 22 U.S.C. 1465c.

(h) There are authorized to be appropriated $130,000 to carry out the provisions of this section.

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

Sec. 6.[5] (a) In order to assist the United States Information Agency in carrying out the purposes set forth in section 2, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Agency. Support and services shall be provided on a reimbursable basis. Any reimbursement shall be credited to the appropriation from which the property, support, or services was derived.

(b) The Agency may carry out the purposes of section 3 by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Agency determines will be most effective.

FACILITY COMPENSATION

Sec. 7.[6] (a) It is the intent of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance to the United States broadcasters who are adversely affected by Cuban radio interference and who seek to assert their right to measures to counteract the effects of such interference.

(b) Accordingly, the Agency may make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred before, on or after the date of this Act in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment replaced [7] (less depreciation) and associated technical and engineering costs.

(c) The Federal Communications Commission shall issue such regulations and establish such procedures for carrying out this section as the Federal Communications Commission finds appropriate. Such regulations shall be issued no later than one hundred and eighty days after enactment of this Act.

(d) There are authorized to be appropriated to the Agency, $5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

(e) Funds appropriated for implementation of this section shall be available for a period of no more than four years following the initial broadcast occurring as a result of programs described in this Act.

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[5] 22 U.S.C. 1465d.

[6] 22 U.S.C. 1465e.

[7] Sec. 512 of Public Law 98–411 (98 Stat. 1574), moved the parenthetical bracket in subsec. (b) from before "replaced" to before "less."

(f) It is the sense of the Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem.

(g) This section shall enter into effect on October 1, 1984.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8.[8] (a) There are authorized to be appropriated for the United States Information Agency $14,000,000 for fiscal year 1984,[9] and $11,000,000 for fiscal year 1985 to carry out sections 3 and 4 of this Act. The amount obligated by the United States Information Agency in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level.

(b) In addition to amounts otherwise authorized to be appropriated to the Agency for the fiscal years 1984 and 1985, there are authorized to be appropriated to the Agency $54,800,000 for the fiscal year 1984 and $54,800,000 for the fiscal year 1985, which amounts shall be available only for expenses incurred by essential modernization of the facilities and operations of the Voice of America.

(c) Amounts appropriated under this section are authorized to be made available until expended.

INDEPENDENT EVALUATION OF THE CUBA SERVICE

Sec. 9.[10] The United States Information Agency shall arrange, by contract if necessary, an independent evaluation of Cuba Service programing, the results of which are to be set forth in a report to be prepared and transmitted to the Agency eighteen months after the date of enactment of this Act and at intervals of one year thereafter for the following three years. The Agency shall, not later than thirty days after the date of receipts of such report, transmit to the Congress such report, together with any recommendations for legislative action.

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[8] 22 U.S.C. 1465f.

[9] Authorization figures for fiscal years 1988 and 1989 may be found at title IV of the Foreign Relations Authorization Act, 1988 and 1989 (Public Law 100-204, 101 Stat. 1381).

[10] 22 U.S.C. 1465g.

14. Department of Defense Authorization Act, 1985 (Public Law 98-525, October 19, 1984), Sec. 1543

REAFFIRMATION OF UNITED STATES POLICY TOWARD CUBA

Sec. 1543. (a) It is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the joint resolution entitled "Joint resolution expressing the determination of the United States with respect to the situation in Cuba", approved by the President on October 3, 1962 (Public Law 87-733; 76 Stat. 697).

(b) Nothing in this section shall be deemed to change or otherwise affect the standards and procedures provided in the National Security Act of 1947, the Foreign Assistance Act of 1961, or the War Powers Resolution. This section does not constitute the statutory authorization for introduction of United States Armed Forces contemplated by the War Powers Resolution.

15. International Security and Development Cooperation Act of 1985 (Public Law 99-83, August 8, 1985), Sec. 718

SEC. 718. CONDEMNING HUMAN RIGHTS VIOLATIONS AND THE SUBVERSION OF OTHER GOVERNMENTS BY THE GOVERNMENT OF CUBA.

(a) CONDEMNATION OF CERTAIN ACTION BY THE GOVERNMENT OF CUBA.—The Congress condemns—

(1) the consistent pattern of gross violations of internationally recognized human rights by the Cuban Government, including—

(A) cruel, inhumane, and degrading treatment and punishment of prisoners;

(B) the suppression of free speech, press, and assembly; and

(C) restrictions on religious activity and the freedom to emigrate; and

(2) the provision by the Cuban government of material aid and personnel support for the purposes of subversion.

(b) CALL UPON THE GOVERNMENT OF CUBA.—The Congress calls upon the Government of Cuba to restore civil liberties and cease in the violation of human rights of the Cuban people and cease the subversion of other governments through material and personnel support.

16. Refugee Assistance Extensions Act of 1986
(Public Law 99-605, November 6, 1986)

REFUGEE ASSISTANCE EXTENSION ACT OF 1986

For Legislative History of Act see Report for P.L. 99–605
in Legislative History Section, post.

An Act to amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Refugee Assistance Extension Act of 1986.
8 USC 1101 note.

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Refugee Assistance Extension Act of 1986".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

8 USC 1101 note.

SEC. 2. TWO-YEAR EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

(a) TWO-YEAR EXTENSION.—Section 414(a) (8 U.S.C. 1524(a)) is amended by striking out "fiscal year 1983" and inserting in lieu thereof "each of fiscal years 1987 and 1988" in paragraph (1).

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.—Such section is further amended—

(1) by striking out "(2) and (3)" in paragraph (1) and inserting in lieu thereof "(2) through (5)";

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) There are hereby authorized to be appropriated for fiscal year 1987 $74,783,000 and for fiscal year 1988 $77,924,000 for the purpose of providing services with respect to refugees under section 412(c)(1). 8 USC 1522.

"(3) There are hereby authorized to be appropriated for fiscal year 1987 $8,761,000 and for fiscal year 1988 $9,125,000 for the purpose of carrying out section 412(b)(5)."; and

(3) by adding at the end the following new paragraph:

"(4) There are authorized to be appropriated for fiscal year 1987 $5,215,000 and for fiscal year 1988 $5,434,000 for the purpose of carrying out the provisions of section 412(f).".

SEC. 3. PLACEMENT OF OFFICE OF REFUGEE RESETTLEMENT WITHIN THE OFFICE OF SECRETARY OF HEALTH AND HUMAN SERVICES AND CLARIFYING ROLE OF SECRETARY OF EDUCATION.

(a) PROVISION OF ASSISTANCE FOR REFUGEE CHILDREN BY SECRETARY OF EDUCATION.—Section 412(d)(1) (8 U.S.C. 1522(d)(1)) is amended by striking out "Director" and inserting in lieu thereof "Secretary of Education".

(b) AUTHORIZING SECRETARY OF EDUCATION AND ATTORNEY GENERAL TO ISSUE REGULATIONS.—Section 412(a)(9) (8 U.S.C. 1522(a)(9)) is amended by inserting ", the Secretary of Education, the Attorney General," after "The Secretary".

SEC. 4. POLICIES FOR PLACEMENT OF REFUGEES AND REGULAR CONSULTATION WITH STATE AND LOCAL GOVERNMENTS IN PLACEMENT PROCESS.

Section 412(a)(2) (8 U.S.C. 1522(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by inserting "and the Federal agency administering subsection (b)(1)" after "Director",

(B) by inserting "(not less often than quarterly)" after "regularly", and

(C) by inserting "before their placement in those States and localities" after "localities";

(2) in subparagraph (C)—

(A) by striking out "and" at the end of clause (i),

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof ", and", and

(C) by adding at the end the following new clause:

"(iii) take into account—

"(I) the proportion of refugees and comparable entrants in the population in the area,

"(II) the availability of employment opportunities, affordable housing, and public and private resources (including educational, health care, and mental health services) for refugees in the area,

"(III) the likelihood of refugees placed in the area becoming self-sufficient and free from long-term dependence on public assistance, and

"(IV) the secondary migration of refugees to and from the area that is likely to occur."; and

(3) by adding at the end the following new subparagraph:

"(D) With respect to the location of placement of refugees within a State, the Federal agency administering subsection (b)(1) shall, consistent with such policies and strategies and to the maximum extent possible, take into account recommendations of the State.".

SEC. 5. RECEPTION AND PLACEMENT GRANTS.

(a) Direct GAO Audit of Grants.—Paragraph (6) of section 412(b) (8 U.S.C. 1522(b)) is amended to read as follows:

"(6) The Comptroller General shall directly conduct an annual financial audit of funds expended under each grant or contract made under paragraph (1) for fiscal year 1986 and for fiscal year 1987.".

(b) Requirements Under Grants.—Such section is further amended—

(1) by adding at the end the following new paragraph:

Contracts.

"(7) Each grant or contract with an agency under paragraph (1) shall require the agency to do the following:

Reports.

"(A) To provide quarterly performance and financial status reports to the Federal agency administering paragraph (1).

"(B)(i) To provide, directly or through its local affiliate, notice to the appropriate county or other local welfare office at the time that the agency becomes aware that a refugee is offered employment and to provide notice to the refugee that such notice has been provided, and

"(ii) upon request of such a welfare office to which a refugee has applied for cash assistance, to furnish that office with documentation respecting any cash or other resources provided directly by the agency to the refugee under this subsection.

Health and medical care.

"(C) To assure that refugees, known to the agency as having been identified pursuant to paragraph (4)(B) as having medical conditions affecting the public health and requiring treatment, report to the appropriate county or other health agency upon their resettlement in an area.

"(D) To fulfill its responsibility to provide for the basic needs (including food, clothing, shelter, and transportation for job interviews and training) of each refugee resettled and to develop and implement a resettlement plan including the early employment of each refugee resettled and to monitor the implementation of such plan.

Reports.

"(E) To transmit to the Federal agency administering paragraph (1) an annual report describing the following:

"(i) The number of refugees placed (by county of placement) and the expenditures made in the year under the grant or contract, including the proportion of such expenditures used for administrative purposes and for provision of services.

"(ii) The proportion of refugees placed by the agency in the previous year who are receiving cash or medical assistance described in subsection (e).

"(iii) The efforts made by the agency to monitor placement of the refugees and the activities of local affiliates of the agency.

"(iv) The extent to which the agency has coordinated its activities with local social service providers in a manner which avoids duplication of activities and has provided notices to local welfare offices and the reporting of medical conditions of certain aliens to local health departments in accordance with subparagraphs (B)(i) and (C).

"(v) Such other information as the agency administering paragraph (1) deems to be appropriate in monitoring the effectiveness of agencies in carrying out their functions under such grants and contracts.

The agency administering paragraph (1) shall promptly forward a copy of each annual report transmitted under subparagraph (E) to the Committees on the Judiciary of the House of Representatives and of the Senate.", and

(2) by striking out the fifth and sixth sentences of paragraph (1)(A).

Contracts.
8 USC 1522.

(c) PERFORMANCE CRITERIA FOR GRANTS.—Such section is further amended by adding after paragraph (7) (added by subsection (b)) the following new paragraph:

"(8) The Federal agency administering paragraph (1) shall establish criteria for the performance of agencies under grants and contracts under that paragraph, and shall include criteria relating to an agency's—

"(A) efforts to reduce welfare dependency among refugees resettled by that agency,

"(B) collection of travel loans made to refugees resettled by that agency for travel to the United States,

"(C) arranging for effective local sponsorship and other nonpublic assistance for refugees resettled by that agency,

"(D) cooperation with refugee mutual assistance associations, local social service providers, health agencies, and welfare offices, "(E) compliance with the guidelines established by the Director for the placement and resettlement of refugees within the United States, and

"(F) compliance with other requirements contained in the grant or contract, including the reporting and other requirements under subsection (b)(7).

The Federal administering agency shall use the criteria in the process of awarding or renewing grants and contracts under paragraph (1).".

Grants.
Contracts.
8 USC 1522 note.

(d) Effective Dates of Amendments.—(1) Section 412(b)(7) (other than subparagraphs (B)(i), (C), and (D)) of the Immigration and Nationality Act, as added by subsection (b)(1) of this section, shall apply to grants and contracts made or renewed after the end of the 30-day period beginning on the date of the enactment of this Act.

(2) Section 412(b)(7)(D) of the Immigration and Nationality Act, as added by subsection (b)(1) of this section, shall apply to grants and contracts made or renewed after the end of the six-month period beginning on the date of the enactment of this Act.

(3) The criteria required under the amendment made by subsection (c) shall be established not later than 60 days after the date of the enactment of this Act.

Contracts.

(e) Report on Reception and Placement Grants.—(1) Within amounts provided in appropriation acts, the United States Coordinator for Refugee Affairs shall provide for a study on the advisability and feasibility of—

(A) using competitive proposals, cost reimbursement contracts, financial incentives based on performance standards, and other means for providing greater efficiency in awarding grants and contracts for initial reception and placement under section 412(b) of the Immigration and Nationality Act,

(B) modifying the eligibility requirements for agency participation under that section,

(C) permitting refugee mutual assistance associations to participate under that section and to apply for such grants and contracts, and

(D) using financial incentives linked to performance standards in awarding social service grants and contracts for services under section 412(c) of the Immigration and Nationality Act.

Reports.

(2) The Coordinator shall submit the results of the study to Congress not later than six months after the date of the enactment of this Act.

(f) Additional Authorization of Appropriations for Reception and Placement Services.—(1) In order to insure that sufficient funds are authorized to be appropriated to provide for reception and placement services in fulfillment of the responsibilities required under section 412(b)(7)(D) of the Immigration and Nationality Act (as added by subsection (b)(1) of this section), there are authorized to be appropriated (in addition to the amounts described in paragraph (2)) for fiscal years 1987 and 1988 any such additional sums as may be necessary to fulfill the responsibilities under that section.

(2) The amounts described in this paragraph are—

(A) the amounts authorized to be appropriated to the Department of State for "Migration and Refugee Assistance" for fiscal years 1986 and 1987, which may be used for enhanced reception and placement services under section 412(b) of the Immigration and Nationality Act; and

(B) any other amounts authorized to be appropriated for such services.

SEC. 6. ALLOCATION AND USE OF SOCIAL SERVICE FUNDS.

(a) Based on Refugee Population.—Section 412(c) (8 U.S.C. 1522(c)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as clauses (i), (ii), and (iii), respectively,

(2) by inserting "(1)(A)" before "The Director", and

(3) by adding at the end the following new subparagraph: Grants. Contracts.

"(B) The funds available for a fiscal year for grants and contracts under subparagraph (A) shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year.".

(b) Clarification of Use of Social Service Funds.—Such section is further amended by adding at the end the following new subparagraph:

"(C) Any limitation which the Director establishes on the proportion of funds allocated to a State under this paragraph that the State may use for services other than those described in subsection (a)(1)(B)(ii) shall not apply if the Director receives a plan (established by or in consultation with local governments) and determines that the plan provides for the maximum appropriate provision of employment-related services for, and the maximum placement of, employable refugees consistent with performance standards established under section 106 of the Job Training Partnership Act.". 29 USC 1516.

(c) Effective Date.—The amendment made by subsection (a) shall apply to allocations of funds for fiscal years beginning with fiscal year 1987. 8 USC 1522 note.

(d) Conforming Amendment.—Section 412(e)(2)(A)(i) (8 U.S.C. 1522(e)(2)(A)(i)) is amended by striking out "(c)(1)" and inserting in lieu thereof "(c)(1)(A)(i)".

SEC. 7. MAINTAINING FUNDING LEVEL OF MATCHING GRANT PROGRAM.

(a) Maintaining Funding Level.—Subject to the availability of appropriations, the Director of the Office of Refugee Resettlement shall not reduce the maximum average Federal contribution level per refugee in the matching grant program and shall not increase the percentage grantee matching requirement under that program below the level, or above the percentage, in effect under the program for grants in fiscal year 1985. 8 USC 1522 note.

(b) Matching Grant Program.—The "matching grant program" referred to in subsection (a) is the voluntary agency program which is known as the matching grant program and is funded under section 412(c) of the Immigration and Nationality Act.

SEC. 8. TARGETED ASSISTANCE PROJECT GRANTS.

(a) Specific Authorization for Targeted Assistance Project Grants.—Section 412(c) (8 U.S.C. 1522(c)), as amended by section 6, is further amended by adding at the end the following new paragraph:

"(2)(A) The Director is authorized to make grants to States for assistance to counties and similar areas in the States where, because of factors such as unusually large refugee populations (including secondary migration), high refugee concentrations, and high use of public assistance by refugees, there exists and can be demonstrated a specific need for supplementation of available resources for services to refugees.

"(B) Grants shall be made available under this paragraph—

"(i) primarily for the purpose of facilitating refugee employment and achievement of self-sufficiency,

"(ii) in a manner that does not supplant other refugee program funds and that assures that not less than 95 percent of the amount of the grant award is made available to the county or other local entity.".

(b) CONFORMING AMENDMENT.—Section 412(e)(2)(A)(ii) (8 U.S.C. 1522(e)(2)(A)(ii)) is amended by inserting "or targeted assistance" after "social service".

SEC. 9. CASH AND MEDICAL ASSISTANCE.

(a) CLARIFICATION OF DISQUALIFICATION FROM CASH ASSISTANCE FOR REFUGEES REFUSING OFFERS OF EMPLOYMENT OR TRAINING.—Paragraph (2) of section 412(e) (8 U.S.C. 1522(e)) is amended—

(1) by striking out the last sentence of subparagraph (A), and

(2) by adding at the end the following new subparagraph:

"(C) In the case of a refugee who—

"(i) refuses an offer of employment which has been determined to be appropriate either by the agency responsible for the initial resettlement of the refugee under subsection (b) or by the appropriate State or local employment service,

"(ii) refuses to go to a job interview which has been arranged through such agency or service, or

"(iii) refuses to participate in a social service or targeted assistance program referred to in subparagraph (A)(ii) which such agency or service determines to be available and appropriate,

cash assistance to the refugee shall be terminated (after opportunity for an administrative hearing) for a period of three months (for the first such refusal) or for a period of six months (for any subsequent refusal).".

(b) CONSIDERATION OF RECOMMENDATIONS AND ASSISTANCE OF VOLUNTARY AGENCIES.—Such section is further amended by adding at the end the following new paragraph:

"(8) In its provision of assistance to refugees, a State or political subdivision shall consider the recommendations of, and assistance provided by, agencies with grants or contracts under subsection (b)(1).".

8 USC 1522 note. (c) EFFECTIVE DATE.—The amendments made by subsection (a) of this section shall apply to aliens entering the United States as refugees on or after the first day of the first calendar quarter that begins more than 90 days after the date of the enactment of this Act.

SEC. 10. PERMITTING COVERAGE OF CERTAIN DEPENDENT REFUGEES UNDER ALTERNATIVE PROJECTS.

Section 412(e)(7)(A) (8 U.S.C. 1522(e)(7)(A)) is amended by adding at the end the following new sentence: "The Secretary may permit alternative projects to cover specific groups of refugees who have been in the United States 36 months or longer if the Secretary determines that refugees in the group have been significantly and disproportionately dependent on welfare and need the services provided under the project in order to become self-sufficient and that their coverage under the projects would be cost-effective.".

SEC. 11. REFUGEES COVERED BY ANNUAL-REPORT.

Section 413(a)(2)(A) (8 U.S.C. 1523(a)(2)(A)) is amended by striking out "under this Act since May 1975" and inserting in lieu thereof "the United States within the five-fiscal-year period immediately preceding the fiscal year within which the report is to be made and for refugees who entered earlier and who have shown themselves to be significantly and disproportionately dependent on welfare".

SEC. 12. PROHIBITING USE OF BLOCK OR CONSOLIDATED GRANTS.

Section 412(a)(4) (8 U.S.C. 1522(a)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(2) by inserting "(A)" after "(4)", and

(3) by adding at the end the following new subparagraphs:

State and local governments.
Contracts.

"(B) No funds may be made available under this chapter (other than under subsection (b)(1)) to States or political subdivisions in the form of block grants, per capita grants, or similar consolidated grants or contracts. Such funds shall be made available under separate grants or contracts—

"(i) for medical screening and initial medical treatment under subsection (b)(5),

"(ii) for services for refugees under subsection (c)(1),

"(iii) for targeted assistance project grants under subsection (c)(2), and

"(iv) for assistance for refugee children under subsection (d)(2).

"(C) The Director may not delegate to a State or political subdivision his authority to review or approve grants or contracts under this chapter or the terms under which such grants or contracts are made.".

SEC. 13. ASSISTANCE TO STATES AND COUNTIES FOR INCARCERATION OF CERTAIN CUBAN NATIONALS.

Prisoners.

Section 412 (8 U.S.C. 1522) is further amended by adding at the end the following new subsection:

"(f) ASSISTANCE TO STATES AND COUNTIES FOR INCARCERATION OF CERTAIN CUBAN NATIONALS.—(1) The Attorney General shall pay compensation to States and to counties for costs incurred by the States and counties to confine in prisons, during the fiscal year for which such payment is made, nationals of Cuba who—

"(A) were paroled into the United States in 1980 by the Attorney General,

"(B) after such parole committed any violation of State or county law for which a term of imprisonment was imposed, and

"(C) at the time of such parole and such violation were not aliens lawfully admitted to the United States—

"(i) for permanent residence, or

"(ii) under the terms of an immigrant or a nonimmigrant visa issued,

under this Act.

"(2) For a State or county to be eligible to receive compensation under this subsection, the chief executive officer of the State or county shall submit to the Attorney General, in accordance with rules to be issued by the Attorney General, an application containing—

"(A) the number and names of the Cuban nationals with respect to whom the State or county is entitled to such compensation, and

"(B) such other information as the Attorney General may require.

"(3) For a fiscal year the Attorney General shall pay the costs described in paragraph (1) to each State and county determined by the Attorney General to be eligible under paragraph (2); except that if the amounts appropriated for the fiscal year to carry out this subsection are insufficient to cover all such payments, each of such payments shall be ratably reduced so that the total of such payments equals the amounts so appropriated.

"(4) The authority of the Attorney General to pay compensation under this subsection shall be effective for any fiscal year only to the extent and in such amounts as may be provided in advance in appropriation Acts.

President of U.S.

"(g) It shall be the policy of the United States Government that the President, in consultation with the Attorney General and all appropriate Federal, State, and county officials referred to in section 13 of this Act, shall place top priority on seeking the expeditious removal from this country and the return to Cuba of such persons defined in subsection (f)(1) by any reasonable and responsible means, and to this end the Attorney General may use the funds hereafter authorized by this section to conduct such policy.".

Approved November 6, 1986.

17. Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988, Sec. 101(a) of the Continuing Appropriations for 1988 (P.L. 100-202, December 22, 1987)

Partial text of Public Law 100-202 [Sec. 101(a) of the Continuing Appropriations for 1988; H.J. Res. 395], 101 Stat. 1329, approved December 22, 1987

JOINT RESOLUTION Making further continuing appropriations for the fiscal year 1988, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

* * * * * * *

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1988, and for other purposes, namely:

* * * * * * *

SEC. 101. (a) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 at a rate of operations and to the extent and in the manner provided for, the provisions of such Act to be effective as if it had been enacted into law as the regular appropriations Act, as follows:

AN ACT Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1988, and for other purposes.

* * * * * * *

TITLE VII—CUBAN POLITICAL PRISONERS AND IMMIGRANTS

SEC. 701. This title may be cited as "Cuban Political Prisoners and Immigrants".

SEC. 702. (a) PROCESSING OF CERTAIN CUBAN POLITICAL PRISONERS AS REFUGEES.—In light of the announcement of the Government of Cuba on November 20, 1987, that it would reimplement immediately the agreement of December 14, 1984, establishing normal migration procedures between the United States and Cuba, on and after the date of enactment of this Act, consular officer of the Department of State and appropriate officers of the Immigration and Naturalization Service shall, in accordance with the procedures applicable to such cases in other countries, process any application for admission to the United States as a refugee from any Cuban national who was imprisoned for political reasons by the Government of Cuba on or after January 1, 1959, without regard to the duration of such imprisonment, except as may be necessary to reassure the orderly process of available applicants.

(b) PROCESSING OF IMMIGRANT VISA APPLICATIONS OF CUBAN NATIONALS IN THIRD COUNTRIES.—Notwithstanding section 212(f) and section 243(g) of the Immigration and Nationality Act, on and after

the date of the enactment of this Act, consular officers of the Department of State shall process immigrant visa applications by nationals of Cuba located in third countries on the same basis as immigrant visa applications by nationals of other countries.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "process" means the acceptance and review of applications and the preparation of necessary documents and the making of appropriate determinations with respect to such applications.

(2) The term "refugee" has the meaning given such term in section 101(a)(42) of the Immigration and Nationality Act.

* * * * * * *

18. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, Sec. 101(e) of the Continuing Appropriations for 1988 (P.L. 100-202, December 22, 1987)

HUMAN RIGHTS IN CUBA

SEC. 574. (a) The Congress finds that—

(1) the United Nations was established in 1945 for, among other purposes, the promotion and encouragement of respect for human rights and fundamental freedoms for all;

(2) the United Nations Human Rights Commission was established by the Economic and Social Council in 1946 to investigate and make recommendations concerning the violation of human rights and fundamental freedoms;

(3) the Government of Cuba has engaged in systematic and flagrant abuses of basic human rights and freedoms so offensive that they demand universal condemnation, including—

(A) the arbitrary arrest and prolonged imprisonment of individuals accused of political opposition to the Government of Cuba for engaging in such activities as the open or private expression of political opinions or religious beliefs, the attempt to form independent labor unions, the possession, reproduction, or intended distribution of religious or political literature, including the Universal Declaration of Human Rights, or even the professional representation by legal counsel of those so accused;

(B) the murder of political prisoners while in custody or the execution of individuals sentenced to death for political offenses;

(C) the reported systematic use of physical and psychological torture and the degrading and abusive treatment of political prisoners, especially the plantados—those who refuse out of conscience to participate in so-called political rehabilitation programs;

(D) the institutionalized use of a network of neighborhood informants organized by political "block committees" or so-called "Committees for the Defense of the Revolution" to repress the exercise of any freedom of expression and to otherwise control the behavior of citizens through intimidation;

(E) the repression of the independent Committee for Human Rights in Cuba for its attempt to register as a legal organization under the laws of the State, and the reported arrest, disappearance, or death of members of the Committee, and the continuing persecution of its president who has had to seek the safety of a foreign embassy out of fear for his life and continues to be deprived of the right to leave Cuba or to be reunited with his family; and

(F) the expulsion from Cuba of foreign journalists for having attempted to interview Cuban citizens and report objectively on the human rights situation in that country; and

(4) the Congress further recognizes that the United Nations has consistently failed to address the violation of fundamental human rights and freedoms in Cuba.

(b) It is the sense of Congress that—

(1) the United Nations and the United Nations Human Rights Commission have acted selectively and inconsistently in addressing violations of basic human rights in various countries;

(2) the United Nations General Assembly and the United Nations Human Rights Commission have failed to responsibly address the deplorable human rights situation in Cuba despite overwhelming evidence of the continuing disregard and systematic abuse of the most basic human rights by the Government of Cuba;

(3) the President, the Secretary of State, and the Permanent Representative of the United States to the United Nations are to be commended for their efforts to place Cuba on the human rights agenda of the United Nations and are strongly encouraged to continue in their efforts to bring this issue to the attention of the United Nations;

(4) the following countries are to be commended for their courageous vote in favor of considering human rights violations in Cuba, particularly in light of the thinly veiled threats of the Cuban delegation: Austria, Australia, Belgium, Costa Rica, France, Gambia, the Federal Republic of Germany, Iceland, Italy, Japan, Lesotho, Liberia, Norway, the Philippines, Somalia, Togo, and the United Kingdom;

(5) member states of the United Nations Human Rights Commission interested in democracy in the region, particularly Mexico, Spain, Peru, Venezuela, Argentina, and Colombia, should support the United States resolution on Cuban human rights at the next session of the United Nations Human Rights Commission, and that the United States should take into account this vote in determining United States bilateral and other assistance to all countries which are members of the Commission;

(6) the United States should continue to emphasize how other countries vote on fundamental issues such as human rights when determining financial support for the United Nations, including the contribution to the Human Rights Commission; and

(7) the United Nations Human Rights Commission, which will hold its forty- fourth session in Geneva, Switzerland, in 1988 should include among the highest priorities of its human rights agenda consideration of human rights violations in Cuba.

19. Foreign Relations Authorizations Act, Fiscal Years 1988 and 1989 (P.L. 100-204, December 22, 1987)

SEC. 903. PROCESSING OF CUBAN NATIONALS FOR ADMISSION TO THE UNITED STATES.

(a) PROCESSING OF CERTAIN CUBAN POLITICAL PRISONERS AS REFUGEES.—In light of the announcement of the Government of Cuba on November 20, 1987, that it would reimplement immediately the agreement of December 14, 1984, establishing normal migration procedures between the United States and Cuba, on and after the date of the enactment of this Act, consular officers of the Department of State and appropriate officers of the Immigration and Naturalization Service shall, in accordance with the procedures applicable to such cases in other countries, process any application for admission to the United States as a refugee from any Cuban national who was imprisoned for political reasons by the Government of Cuba on or after January 1, 1959, without regard to the duration of such imprisonment, except as may be necessary to reassure the orderly process of available applicants.

(b) PROCESSING OF IMMIGRANT VISA APPLICATIONS OF CUBAN NATIONALS IN THIRD COUNTRIES.—Notwithstanding section 212(f) and section 243(g) of the Immigration and Nationality Act, on and after the date of the enactment of this Act, consular officers of the Department of State shall process immigrant visa applications by nationals of Cuba located in third countries on the same basis as immigrant visa applications by nationals of other countries.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "process" means the acceptance and review of applications and the preparation of necessary documents and the making of appropriate determinations with respect to such applications.

(2) The term "refugee" has the meaning given such term in section 101(a)(42) of the Immigration and Nationality Act.

PART B—LATIN AMERICA AND CUBA

SEC. 1211. CUBAN HUMAN RIGHTS VIOLATIONS AND THE FAILURE OF THE UNITED NATIONS TO PLACE CUBA ON ITS HUMAN RIGHTS AGENDA.

(a) FINDINGS.—The Congress finds that—

(1) the Universal Declaration of Human Rights, which was adopted and proclaimed by the General Assembly of the United Nations, states in paragraph 2 of Article 13 that "Everyone has the right to leave any country, including his own, and to return to his country";

(2) the Universal Declaration of Human Rights states in Article 19 that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions with-

out interference and to seek, receive, and impart information and ideas through any media regardless of frontiers";

(3) the Government of Cuba has violated the Cuban people's internationally recognized human rights, including freedom of movement, emigration, opinion, and expression;

(4) Cuban human rights violations are a major obstacle to improved United States-Cuban relations; and

(5) the United Nations Human Rights Commission has acted selectively in addressing human rights violations in various countries and has failed to place Cuba on its agenda despite overwhelming evidence of the continuing disregard and systematic abuse of internationally recognized human rights by the Government of Cuba.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Government of Cuba should respect internationally recognized human rights, including freedom of movement, emigration, opinion, and expression; and

(2) the United States delegation to the United Nations should continue its commendable efforts to bring this issue before the attention of the United Nations and to place Cuban human rights abuses on the agenda of the United Nations Human Rights Commission.

(c) DISTRIBUTION OF TEXT TO U.N. MEMBERS.—The Secretary of State shall cause the text of this section to be circulated by the United States among the members of the United Nations in order to highlight Cuba's behavior in violation of the Universal Declaration of Human Rights.

20. Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418, August 23, 1988)

TITLE I—TRADE, CUSTOMS, AND TARIFF LAWS

SEC. 1911. ENFORCEMENT OF RESTRICTIONS ON IMPORTS FROM CUBA.

The United States Trade Representative shall request that all relevant agencies prepare appropriate recommendations for improving the enforcement of restrictions on the importation of articles from Cuba. Such recommendations should include, but not be limited to, appropriate measures to prevent indirect shipments or other means of circumvention. The United States Trade Representative shall, after considering such recommendations, report to the Congress, within 90 days after the date of enactment of this Act, on any administrative measures or proposed legislation which the United States Trade Representative considers necessary and appropriate to enforce restrictions on imports from Cuba.

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21. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (P.L. 100-461, November 18, 1988)

HUMAN RIGHTS IN CUBA

SEC. 582. It is the sense of the Congress that—

(1) the United Nations, the United Nations Human Rights Commission, and the Chairman of the Commission are to be commended for Decision 1988/106 as interpreted by the Chairman which establishes a working group on Cuba to conduct an on-site investigation on Cuban human rights conditions and prepare a report for consideration under agenda item 12(h) at the 45th session of the Commission in 1989;

(2) the President, the Secretary of State, the Permanent Representative of the United States to the United Nations, and the Representative of the United States to the United Nations Human Rights Commission are to be commended for their efforts to place Cuba on the agenda of the Commission and are strongly encouraged to continue to support and assist the Commission in its implementation of Decision 1988/106;

(3) the following countries are to be commended for their courageous support for an independent investigation of the human rights situation in Cuba under the auspices of the United Nations and consideration of Cuba under agenda item 12 at the 45th session of the Commission: Bangladesh, Belgium, Costa Rica, France, the Gambia, Federal Republic of Germany, Ireland, Japan, Mozambique, Norway, the Philippines, Sao Tome and Principe, Portugal, Senegal, Somalia, Togo, the United Kingdom, and Venezuela;

(4) the following countries, despite overwhelming evidence of serious human rights abuses in Cuba, failed to support the efforts of the United States to establish an independent working group on Cuba and to provide for consideration of the report of this group under agenda item 12, a nonconfidential procedure reserved for countries with records of serious human rights violations: Algeria, Argentina, Botswana, Bulgaria, People's Republic of China, Colombia, Cyprus, Ethiopia, German Democratic Republic, India, Iraq, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Rwanda, Spain, Sri Lanka, Union of Soviet Socialist Republics, and Yugoslavia;

(5) in accordance with section 574 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, the United States should continue to take into account whether countries support an independent investigation of human rights violations in Cuba under the auspices of the United Nations and consideration of Cuba under agenda item 12 at the 45th session of the Commission when considering bilateral assistance and the financial contribution to the United Nations; and

(6) the Congress strongly objects to the election of Cuba and Panama to the Commission and strongly urges the Secretary General and Chairman, and the other members of the Commission to insure that Cuba and Panama do not in any way interfere with the independence of the pending investigation, the preparation of the resulting report, or the consideration of this report under agenda item 12(h) at the Commission's 45th session.

F. El Salvador

1. Foreign Assistance Act of 1961, (Public Law 87-195, September 4, 1961), as amended

Sec. 495(I)

Sec. 495I.[377] Assistance for Displaced Persons in Central America.—(a)(1) The Congress recognizes that prompt United States assistance is necessary to help meet the basic human needs of persons displaced by strife in El Salvador. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to help alleviate the suffering of these displaced persons. Assistance provided under this section shall be for humanitarian purposes, with emphasis on the provision of food, medicine, medical care, and shelter and, where possible, implementation of other relief and rehabilitation activities. The Congress encourages the use, where appropriate of the services of private and voluntary organizations and international relief agencies in the provision of assistance under this section.

(2) The Congress understands that the country of Belize has expressed interest and willingness in the resettlement in its territory of Haitian nationals who desire to settle in Belize. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to assist the Government of Belize in the resettlement of Haitian nationals in the national territory of Belize.

(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $5,000,000 for the fiscal year 1982 and $5,000,000 for the fiscal year 1983.[378] Amounts appropriated under this section are authorized to remain available until expended.

(c) Assistance under this section shall be provided in accordance with the policies and utilizing the general authorities provided in section 491.

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[377] 22 U.S.C. 2292o. Sec. 4951 was added by sec. 504 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1540).

[378] FA Appropriations, 1982, provided that out of the $473 million in funds for migration and refugee assistance during fiscal year 1982, "$5,000,000 of this amount shall be used for assistance for persons displaced by strife in El Salvador as provided in H.R. 3566 as reported May 19, 1981." Under the provisions of the Further Continuing Appropriations Act, 1983 (Public Law 97-377), which continued funding for foreign assistance at the rates and under the terms and conditions provided in the FA Appropriations Act, 1982, with exceptions, no prior year earmarking of funds under the "Migration and Refugee Assistance" account would apply.

2. International Security and Development Cooperation Act of 1981 (Public Law 97-113, December 29, 1981), as amended, Sec. 727, Sec. 728, Sec. 729, Sec. 730, Sec. 731

ASSISTANCE FOR EL SALVADOR

Sec. 727. (a) It is the sense of the Congress that assistance furnished to the Government of El Salvador, both economic and military, should be used to encourage—

(1) full observance of internationally recognized human rights in accordance with sections 116 and 502B of the Foreign Assistance Act of 1961;

(2) full respect for all other fundamental human rights, including the right of freedom of speech and of the press, the right to organize and operate free labor unions, and the right to freedom of religion;

(3) continued progress in implementing essential economic and political reforms, including land reform and support for the private sector;

(4) a complete and timely investigation of the deaths of all United States citizens killed in El Salvador since October 1979;

(5) an end to extremist violence and the establishment of a unified command and control of all government security forces in this effort;

(6) free, fair, and open elections at the earliest date; and

(7) increased professional capability of the Salvadoran Armed Forces in order to establish a peaceful and secure environment in which economic development and reform and the democratic processes can be fully implemented, thereby permitting a phased withdrawal of United States military training and advisory personnel at the earliest possible date.

(b) It is the sense of the Congress that the United States economic assistance to El Salvador should put emphasis on revitalizing the private sector and supporting the free market system. The Congress recognizes that the lack of foreign exchange to buy imported raw materials and intermediate goods is a major impediment to the ability of the Salvadoran economy to provide jobs. The Congress also recognizes that the funds budgeted for economic assistance are only a fraction of the foreign exchange needed, and United States economic aid should be used, wherever possible, to stimulate private sector lending. Therefore, the Congress urges the President to set aside a portion of the economic support funds to provide guarantees to private United States banks willing to give credits to the Salvadoran private sector.

RESTRICTIONS ON MILITARY ASSISTANCE AND SALES TO EL SALVADOR

Sec. 728.[20] (a)(1) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in El Salvador has caused great human suffering and disruption to the economy of that country, and that substantial assistance to El Salvador is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. Moreover, the Congress recognizes that the efforts of the Government of El Salvador to achieve these goals are affected by the activities of forces beyond its control.

(2) Taking note of the substantial progress made by the Government of El Salvador in land and banking reforms, the Congress declares it should be the policy of the United States to encourage and support the Government of El Salvador in the implementation of these reforms.

(3) The United States also welcomes the continuing efforts of President Duarte and his supporters in the Government of El Salvador to establish greater control over the activities of members of the armed forces and government security forces. The Congress finds that it is in the interest of the United States to cooperate with the Duarte government in putting an end to violence in El Salvador by extremist elements among both the insurgents and the security forces, and in establishing a unified command and control of all government forces.

(4) The United States supports the holding of free, fair, and open elections in El Salvador at the earliest date. The Congress notes the progress being made by the Duarte government in this area, as evidenced by the appointment of an electoral commission.

(b) In fiscal years 1982 and 1983, funds may be obligated for assistance for El Salvador under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961, letters of offer may be issued and credits and guarantees may be extended for El Salvador under the Arms Export Control Act, and members of the Armed Forces may be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 or the Arms Export Control Act, only if not later than thirty days after the date of enactment of this Act and every one hundred and eighty days thereafter, the President makes a certification in accordance with subsection (d).

(c) If the President does not make such a certification at any of the specified times then the President shall immediately—

(1) suspend all expenditures of funds and other deliveries of assistance for El Salvador which were obligated under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 after the date of enactment of this Act;

(2) withhold all approvals for use of credits and guarantees for El Salvador which were extended under the Arms Export Control Act after the date of enactment of this Act;

(3) suspend all deliveries of defense articles, defense services, and design and construction services to El Salvador which were sold under the Arms Export Control Act after the date of enactment of this Act; and

(4) order the prompt withdrawal from El Salvador of all members of the Armed Forces performing defense services, conducting international military education and training activities, or performing management functions under section 515 of the Foreign Assistance Act of 1961.

Any suspension of assistance pursuant to paragraphs (1) through (4) of this subsection shall remain in effect during fiscal year 1982 and during fiscal year 1983 until such time as the President makes a certification in accordance with subsection (d).

(d) The certification required by subsection (b) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate of a determination that the Government of El Salvador—

(1) is making a concerted and significant effort to comply with internationally recognized human rights;

(2) is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces:

(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to—

(A) a renouncement of further military or paramilitary activity; and

(B) the electoral process with internationally recognized observers.

Each such certification shall discuss fully and completely the justification for making each of the determinations required by paragraphs (1) through (4).

(e)[22] On making the first certification under subsection (b) of this section, the President shall also certify to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that he has determined that the

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[22] By memorandum of Aug. 10, 1982, the President delegated the functions conferred upon him under subsec. (e) to the Secretary of State (47 F.R. 38099, Aug. 30, 1982).

Government of El Salvador has made good faith efforts both to investigate the murders of the six United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders. The second certification required under this section may be made only if it includes a determination by the President that the Government of El Salvador (1) has made good faith efforts since the first such certification was made to investigate the murders of those six United States citizens and to bring to justice those responsible for those murders, and (2) has taken all reasonable steps to investigate the disappearance of journalist John Sullivan in El Salvador in January 1981.[23] The fourth certification required under this section may be made only if it includes a determination by the President that, since the third such certification was made, the Government of El Salvador (1) has made good faith efforts both to investigate the murders of the seven United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice all those responsible for those murders, and (2) has taken all reasonable steps to investigate the killing of Michael Kline in El Salvador in October 1982.[24]

REPORTING REQUIREMENT RELATING TO EL SALVADOR

Sec. 729. (a) Not later than ninety days after the date of enactment of this section, the President shall prepare and transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth—

(1) the viewpoints of all major parties to the conflict in El Salvador and of the influential actors in the Salvadoran political system regarding the potential for and interest in negotiations, elections, and a settlement of the conflict; and

(2) the views of democratic Latin American nations, Canada, the Organization of American States, and European allies of the United States regarding a negotiated settlement to such conflict.

(b) It is the sense of the Congress that the President shall, as soon as possible, send a special envoy or use other appropriate means to consult with and gather information from appropriate representatives of the parties to the Salvadoran conflict, democratic governments of Latin America, Canada, and European allies of the United States regarding the attainment of a negotiated settlement in El Salvador.

RESTRICTIONS ON AID TO EL SALVADOR

Sec. 730. None of the funds authorized to be appropriated by this Act may be made available for the provision of assistance to El Salvador for the purpose of planning for compensation, or for the purpose of compensation, for the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or of the properties or stock shares which may be pertaining thereto.

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[23] This sentence was added by Public Law 97-233 (96 Stat. 260).

[24] This sentence was added by Public Law 98-53 (97 Stat. 287).

EL SALVADORAN REFUGEES

Sec. 731.[25] It is the sense of the Congress that the administration should continue to review, on a case-by-case basis, petitions for extended voluntary departure made by citizens of El Salvador who claim that they are subject to persecution in their homeland, and should take full account of the civil strife in El Salvador in making decisions on such petitions.

3. International Security and Development Assistance Authorization Act of 1983, Sec. 101(b)(2) of the Continuing Appropriations Act, 1984 (Public Law 98-151, November 14, 1983), Sec. 2

CONDITIONS ON MILITARY ASSISTANCE FOR EL SALVADOR

Not more than 70 percent of the amount available for the fiscal year 1984 for military assistance for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act may be expended until—

(1) Salvadoran authorities have substantially concluded all investigative actions in the case of the National Guardsmen charged with murder in the deaths of the four United States churchwomen in December 1980 that were set forth in communications from the Department of State (including the letters dated July 8 and September 23, 1983); and

(2) Salvadoran authorities have brought the accused to trial and have obtained a verdict.

Not more than 90 percent of the amount made available for the fiscal year 1984 for military assistance for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act may be expended until the President has determined and certified to the Congress that—

(1) the Government of El Salvador has not taken any action which would alter, suspend, or terminate the land reform program for phase I or phase III promulgated under Decree 154 (dated March 5, 1980) or Decree 207 (dated April 28, 1980) in a manner detrimental to the rights of the beneficiaries or the potential beneficiaries under those decrees; and

(2) the Government of El Salvador continues to make documented progress on implementing the land reform program.

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[25] 8 U.S.C. 1157 note.

4. Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164, November 22, 1983), Sec. 1012

EXTENDED VOLUNTARY DEPARTURE STATUS FOR CERTAIN EL SALVADORANS

Sec. 1012. (a) The Congress finds that—

(1) ongoing fighting between the military forces of the Government of El Salvador and opposition forces is creating potentially life-threatening situations for innocent nationals of El Salvador;

(2) thousands of El Salvadoran nationals have fled from El Salvador and entered the United States since January 1980;

(3) currently the United States Government is detaining these nationals of El Salvador for the purpose of deporting or otherwise returning them to El Salvador, thereby irreparably harming the foreign policy image of the United States;

(4) deportation of these nationals could be temporarily suspended, until it became safe to return to El Salvador, if they are provided with extended voluntary departure status; and

(5) such extended voluntary departure status has been granted in recent history in cases of nationals who fled from Vietnam, Laos, Iran, and Nicaragua.

(b) Therefore, it is the sense of the Congress that—

(1) the Secretary of State should recommend that extended voluntary departure status be granted to aliens—

(A) who are nationals of El Salvador,

(B) who have been in the United States since before January 1, 1983,

(C) who otherwise qualify for voluntary departure (in lieu of deportation) under section 242(b) or 244(e) of the Immigration and Nationality Act (8 U.S.C. 1252(b) and 1254(e)), and

(D) who were not excludable from the United States at the time of their entry on any ground specified in section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) other than the grounds described in paragraphs (14), (15), (20), (21), and (25); and

(2) such status should be granted to those aliens until the situation in El Salvador has changed sufficiently to permit their safely residing in that country.

5. Urgent Supplemental Appropriations for Fiscal Year 1984 (Public Law 98-322, July 2, 1984)

Partial text of Public Law 98-332 [H.J. Res. 492], 98 Stat. 283, approved July 2, 1984

A JOINT RESOLUTION Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984; namely:

* * * * * * *

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

ECONOMIC SUPPORT FUND

Notwithstanding section 660 of the Foreign Assistance Act of 1961, for an additional amount for necessary expenses for assistance to the Government of El Salvador to protect jurors and other key participants in the criminal proceedings against those charged with the murders of four American churchwomen, during and subsequent to such proceedings, $500,000.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For an additional amount for necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, $61,750,000: *Provided,* That this sum shall be available only for assistance for El Salvador, notwithstanding the limitations and restrictions on such assistance contained in section 101(b) of Public Law 98-151: *Provided further,* That none of the funds appropriated under this heading may be available for obligation or expenditure until the President prepares and transmits to the Congress a report—

(1) stating his determination that the Government of El Salvador has demonstrated progress toward land reform, free elections, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorous action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders;

(2) describing the progress made in—

(A) the development of an effective medical evacuation and training system for El Salvador;

(B) the training of the Armed Forces of El Salvador;

(C) the quantification of the losses or expenditures in El Salvador of munitions, weaponry, and combat support equipment which has been furnished by the United States; and

(D) the acquisition and support of tactical communications and the upgrading and modification of the national strategic communications network; and

(3) setting forth the rate of usage by the Armed Forces of El Salvador of spare parts furnished by the United States:

Provided further, That 60 days after the date of enactment of this joint resolution and at intervals of 60 days thereafter the President shall prepare and transmit to the Congress a report on the progress made during the preceding 60 days in achieving the objectives described in the preceding proviso.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", $7,000,000: *Provided*, That such sum shall be available only for assistance to displaced persons in El Salvador.

* * * * * * *

GENERAL PROVISIONS

* * * * * * *

Sec. 108. Within 120 days of the enactment of this legislation, the President shall transmit to Congress a classified and unclassified version of a report on the whereabouts of military equipment transferred since 1980 from the United States to the Government of El Salvador, and the whereabouts of Salvadoran military personnel trained with United States military aid funds.

Sec. 109. If at any time following the appropriation of funds herein the duly elected President of El Salvador should be prevented from taking office by military force or military decree or after taking office shall be deposed by military force or military decree, all funds appropriated herein for El Salvador and not theretofore obligated or expended shall not thereafter be available for obligation or expenditure unless reappropriated by Congress.

Sec. 110. On Sunday, March 25, 1984, a remarkable exercise in democracy in the conduct of a free and honest election within the Republic of El Salvador took place, with approximately 70 percent participation by eligible voters despite intense guerrilla efforts to intimidate and to sabotage the election.

Since the success of the Government of El Salvador in the conduct of this election against the guerrilla efforts to disrupt and invalidate it depended both upon the courage, good spirits and determination of the Salvadoran people to freely choose their President and Vice President, and upon the ability of Salvadoran armed forces to safeguard voters and election officials against the guerrillas.

Since within 30 days of certification of the results of the March 25 election a runoff election is required under the Salvadoran Constitution and election law, since no candidate won a majority of the vote at the March 25 election.

Since the armed forces of El Salvador, unless immediately resupplied by the United States with equipment arms and ammunition which are in critically short supply, are threatened with being unable to provide the same needed protection for the runoff election, and with suffering generally a dangerously reduced capacity to safeguard the Salvadoran people against the terrorism of the guerrillas.

Therefore, the Senate finds that the policy of the United States should be to immediately provide such additional equipment, arms, and ammunition as will allow the armed forces of El Salvador to provide needed protection to the Salvadoran people both at the runoff election and in their daily lives; and ultimately to so suppress guerrilla terrorism as to make possible the revival of economic activity with El Salvador.

* * * * * * *

6. Foreign Assistance and Related Programs Appropriations Act, 1985, Sec. 101(1) of the Continuing Appropriations Act, 1985 (Public Law 98-473, October 12, 1984) Title III

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $805,100,000: *Provided,* That of the funds appropriated under this paragraph, not more than $111,750,000 shall be available for El Salvador and not more than $215,000,000 shall be available for Turkey; *Provided further,* That of the funds appropriated under this paragraph, not more than $4,000,000 shall be available for Zaire, except as provided through the regular notification process of the Committees on Appropriations: *Provided further,* That of the funds provided for El Salvador under this paragraph half the amount shall be available for obligation and expenditure October 1, 1984, and the remaining half March 1, 1985: *Provided further,* That in the event of an emergency certified by the President funds herein appropriated to be obligated for El Salvador after March 1, 1985, may be obligated in advance of that date, only if the Committees on Appropriations are notified at least fifteen days in advance: *Provided further,* That before the date of March 1, 1985, the administration shall consult with the Committees on Appropriations in regard to reduction and punishment of death squad activities, elimination of corruption and misuse of governmental funds, development of an El Salvadoran plan to improve the performance of the military, and progress toward discussions leading to a peaceful resolution of the conflict, with it being the direction of the Congress of the United States that military assistance funds available in the second half of fiscal year 1985 for El Salvador not be obligated until substantial progress has been made on each of the above points: *Provided further,* That $5,000,000 of the amount made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act may not be expended until the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January, 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, and (2) brought the accused to trial and obtained a verdict.

7. International Security and Development Cooperation Act of 1985 (Public Law 98-83, August 8, 1985) Sec. 702

TITLE VII—WESTERN HEMISPHERE

* * * * * * *

SEC. 702.[21a] EL SALVADOR.

(a) SUPPORT FOR EL SALVADOR.—(1) The Congress finds that—

(A) a free and democratic El Salvador is in the security interest of the United States;

(B) Jose Napoleon Duarte was elected President of El Salvador in 1984 in the most democratic election held in El Salvador in many years;

(C) political violence in El Salvador has declined dramatically under President Duarte's leadership;

[21a] Title V of the Foreign Assistance and Related Agencies Appropriations Act, 1987 (sec. 101(f) of Public Law 99-591, 100 Stat. 3341) provides:

SEC. 537. None of the funds available in this Act may be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for the export to El Salvador of any such aircraft, unless the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate are notified at last fifteen days in advance in accordance with the procedures applicable to notifications.

* * * * * * *

SEC. 545. Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, $5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, and (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders.

(D) President Duarte's policies of respect for human rights, political pluralism, dialogue and reconciliation with the Salvadoran guerrilla force, legal and social reform and effective defense against the violent overthrow of the Salvadoran government are deserving of praise from all who believe in a democratic form of government;

(E) the March 31, 1985, legislation and municipal elections were successfully carried out, with 64 percent of the electorate defying guerrilla attacks to vote;

(F) the victory of President Duarte's Christian Democratic Party reaffirms the support for these policies by his fellow citizens, the essential test of any government or movement;

(G) in spite of the state of siege technically in effect due to the insurgent threat, observance of free speech, free press, and free assembly are widely enjoyed in El Salvador and permit public airing of opposing political views;

(H) President Duarte is firmly committed to judicial reform and prosecution of cases involving "death squads";

(I) President Duarte's leadership and popular support has notably weakened the popular support given the guerrillas, as evidenced by the high levels of voter participation in the free elections held in El Salvador since 1982, the reduction in territory in which the guerrillas can freely operate, their inability to mount frontal military attacks, and their resort to economic sabotage, ambushes, political assassination, and urban terrorism with blatant disregard for basic human rights; and

(J) President Duarte has succeeded in reversing the decline in his country's economy which, though still weak, has better prospects than in recent years.

(2) Therefore, it is the sense of the Congress that—

(A) President Duarte is to be congratulated for his outstanding leadership under difficult circumstances and for his efforts to foster democratic government and institutions in his country, and he is encouraged to continue his efforts to promote political pluralism, democratic institutions, and respect for human rights in his country; and

(B) the armed services of El Salvador are to be congratulated for their improved performance and professionalism in defending Salvadoran citizens and their democratically elected government from attack by armed insurgents, and especially for their role in helping to protect and uphold the electoral process.

(3) The Congress reaffirms the importance of continued support for democratic principles and institutions and respect for human rights by the various sectors of Salvadoran society, which is a major factor in United States support for El Salvador.

(b) OBJECTIVES.—The Congress expects that—

(1) the Government of El Salvador will be willing to pursue a dialogue with the armed opposition forces and their political representatives for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections;

(2) the elected civilian government will be in control of the Salvadoran military and security forces, and those forces will comply with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support);

(3) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (c), in ending the activities of the death squads;

(4) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (c), in establishing an effective judicial system; and

(5) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (c), in implementing the land reform program.

(c) REPORTS.—On October 1, 1985, April 1, 1986, October 1, 1986, and April 1, 1987, the President shall report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on the extent to which the objectives described in subsection (b) are being met. With respect to the objective described in paragraph (4) of that subsection, each report shall discuss whether the commission proposed by the President of El Salvador to investigate human rights cases has been established, funded, and given sufficient investigative powers; whether the evidence that commission collects may be used in the Salvadoran judicial process; whether that commission has issued a comprehensive report with regard to its investigation of all Americans murdered in El Salvador; and whether those responsible for the Las Hojas massacre are being prosecuted.

(d) AIRCRAFT FOR AERIAL WARFARE.—(1) The authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for the export to El Salvador of any such aircraft, unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(2) Paragraph (1) shall take effect on the date of enactment of this Act and shall remain in effect until October 1, 1987.

(e) SPECIAL ACCOUNT FOR LOCAL CURRENCIES.—(1) All local currencies, which are generated with the funds provided to El Salvador for balance-of-payments support for fiscal years 1986 and 1987 under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), shall be deposited in accordance with section 609 of that Act in a special account established by the Government of El Salvador.

(2) Local currencies deposited pursuant to paragraph (1) shall be used for projects assisting agrarian reform and the agricultural sector (and particular emphasis shall be placed on projects for these purposes); judicial reform, employment generation; health,

education, and other social services; infrastructure repair; and credits and other support for the private sector (principally for small and medium sized businesses).

(3) For purposes of subsection—

(A) the term "agrarian reform" means projects assisting or enhancing the abilities of agencies, cooperatives, and farms to implement land reform decrees in El Salvador, notwithstanding section 620(g) of the Foreign Assistance Act of 1961; and

(B) the term "judicial reform" means projects assisting or enhancing the abilities of agencies of the Salvadoran Government to investigate and prosecute politically motivated violence.

(f) DEVELOPMENT ASSISTANCE.—Of the amounts available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, $79,600,000 for fiscal year 1986 and $79,600,000 for fiscal year 1987 shall be available only for El Salvador.

(g) SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.—All assistance authorized by this Act which is allocated for El Salvador shall be suspended if the elected President of that country is deposed by military coup or decree.

8. Foreign Assistance and Related Programs Appropriations Act, 1986, Sec. 101(j) of the Continuing Appropriations Act, 1986, (Public Law 99-190, December 19, 1985), as amended, Title II, Title III

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1986, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Provided further, That any of the funds appropriated under this paragraph for El Salvador which are placed in the Central Reserve Bank of El Salvador shall be maintained in a separate account and not commingled with any other funds, except that such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the cash transfer nature of this assistance, or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159).[4] *Provided further*, That pursuant to section 660(d) of the Foreign Assistance Act of 1961 up to $1,000,000 of the funds appropriated under this paragraph shall be made available to assist the Government of El Salvador's Special Investigative Unit for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador: *Provided further*, That a report of the investigation shall be provided to the Congress:

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $782,000,000: *Provided*, That of the funds made available under this paragraph only $40,000,000 shall be available for the Philippines: *Provided further*, That only $215,000,000 shall be made available for Turkey: *Provided further*, That the reports required by section 702 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) shall also be provided to the Committees on Appropriations: *Provided further*, That these reports shall supersede the reporting requirements relating to El Salvador contained in the last proviso of the paragraph under the heading "Military Assistance" contained in the joint resolution entitled "a joint resolution making urgent supplemental appropriations for the fiscal year ending September 30, 1984, for the Department of Agriculture", approved July 2, 1984 (Public Law 98-332) and section 533 of the Foreign Assistance and Related Programs Appropriations Act, 1985 (as enacted in Public Law 98-473): *Provided further*, That not less than $40,000,000 of the funds made available under this paragraph shall be available only for Tunisia.

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[4] The Joint Explanatory Statement provides as follows:

"SEPARATE ECONOMIC SUPPORT [illegible]

"The managers have included language wh [illegible] provided for El Salvador that are maintained in the [illegible] rate account.

"It is not the managers' intenti [illegible] El Salvador as cash transfer assistance. Because the fu [illegible] statutory and regulatory requirements that would normally att [illegible] transportation of commodities financed by AID would not have to be applied to the use of funds maintained in the separate account. Such statutory requirements include: section 604 of the Foreign Assistance Act of 1961, as amended; section 901(b)(1) of the Merchant Marine Act of 1936, as amended; section 5 of the International Air Transportation Fair Competitive Practice Act of 1974; section 644 of the Small Business Act; section 2711 of the Competition in Contracting Act of 1984; and the provisions of the Federal Property and Administrative Services Act of 1949, as amended."

9. Foreign Assistance and Related Programs Appropriations Act, 1987, Section 101(f) of the Continuing Appropriations Act, 1987 (Public Law 99-591, October 30, 1986) Title II, Title III, Sec. 537, Sec. 545

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1987, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Economic support fund: For necessary expenses to carry out the provisions of chapter 4 of part II, $3,550,000,000 including such funds as may be made available in fiscal year 1987 for Economic support funds for Central American countries through final enactment of section 205 of H.R. 5052: *Provided*, That of the funds appropriated under this paragraph, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of enactment of this Act or by October 31, 1986, whichever is later: *Provided further*, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, of which not less than $115,000,000 shall be provided as a cash transfer in accordance with the provisions of section 202(b) of Public Law 99-83, and not less than $200,000,000 shall be provided as a Commodity Import Program: *Provided further*, That notwithstanding any other provision of law, the Agency for International Development is authorized to obligate such funds as it deems necessary in excess of $115,000,000 from the funds appropriated for assistance to Egypt for the fiscal year 1987 as direct cash transfer for Egypt: *Provided further*, That such obligations in excess of $115,000,000 shall only be made in support of the implementation of a comprehensive structural economic reform program by the Government of Egypt: *Provided further*, That all such cash transfers in excess of $115,000,000 shall be subject to the regular notification procedures of the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Appropriations Committees of the House and Senate: *Provided further*, That such notifications for the provision of cash transfers in excess of $115,000,000 shall include detailed descriptions of the comprehensive structural economic reform program of the Government of Egypt: *Provided further*, That if the Agency for International Development obligates cash transfer assistance for Egypt exceeding $115,000,000, as permitted above, then such increased funding shall be derived through proportionate reductions in both the Commodity Import Program and project assistance: *Provided fur-*

ther, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty; and that Egypt and Israel are urged to continue their efforts to restore a full diplomatic relationship, including ambassadors, and achieve realization of the Camp David Accords: *Provided further,* That not less than $250,000,000 of the funds appropriated under this paragraph shall be available only for Pakistan: *Provided further,* That not less than $35,000,000 of the funds appropriated under this paragraph shall be available for a United States contribution to the International Fund for Northern Ireland and Ireland: *Provided further,* That not less than an additional sum of $200,000,000 shall be available only for the Philippines: *Provided further,* That not less than $15,000,000 of the funds appropriated under this paragraph shall be available for Cyprus: *Provided further,* That up to $15,000,000 shall be made available for Jordan in addition to funds otherwise made available by this paragraph and allocated to Jordan: *Provided further,* That any of the funds appropriated under this paragraph for El Salvador which are placed in the Central Reserve Bank of El Salvador shall be maintained in a separate account and not commingled with any other funds, except that such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the cash transfer nature of this assistance or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98–1159): *Provided further,* That pursuant to section 660(d) of the Foreign Assistance Act of 1961 up to $1,000,000 of the funds appropriated under this paragraph shall be made available to assist the Government of El Salvador's Special Investigative Unit for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador: *Provided further,* That a report of the investigation shall be provided to the Congress: *Provided further,* That up to $20,000,000 of the funds appropriated under this paragraph may be made available to carry out the Administration of Justice program pursuant to section 534 of the Foreign Assistance Act of 1961: *Provided further,* That up to $20,000,000 of the funds made available by this paragraph may be provided to countries that are receiving "International Narcotics Control" assistance and that have made substantial progress in illicit drug control efforts: *Provided further,* That all funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations and that such notifications shall contain an explanation of the progress in illicit drug control that has been made by the recipient country: *Provided further,* That all of the funds provided under this paragraph which are made available for disadvantaged persons in South Africa shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That after February 1, 1987, any country which receives in excess of a total of $5,000,000 as cash transfer assistance shall maintain such funds in a separate account and shall not commingle such funds with any other funds, except that such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the cash transfer nature of this assistance or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): *Provided further,* That all local currencies that may be generated with funds provided as a cash transfer in accordance with the previous proviso shall be deposited in a special account to be used in accordance with section 609 of the Foreign Assistance Act of 1961: *Provided further,* That not more than $5,000,000 of the funds made available under this paragraph may be available to finance tied aid credits, unless the President determines it is in the national interest to provide in excess of $5,000,000 and so notifies the Committees on Appropriations through the regular notification procedures: *Provided further,* That funds made available under this paragraph shall remain available until September 30, 1988.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $900,000,000: *Provided,* That none of the funds under this heading shall be obligated for law enforcement agencies in El Salvador and Honduras until the notification required under Section 660(d) of the Foreign Assistance Act of 1961, as amended, is provided to the Committees on Appropriations: *Provided further,* That of the funds provided under this paragraph not more than $37,000,000 shall be used for "Overseas Military Program Management": *Provided further,* That the reports required by section 702 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) shall also be provided to the Committees on Appropriations: *Provided further,* That funds appropriated under this paragraph shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That amounts appropriated under this heading shall be available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

SEC. 537. None of the funds available in this Act may be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for the export to El Salvador of any such aircraft, unless the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate are notified at least fifteen days in advance in accordance with the procedures applicable to notifications.

SEC. 545. Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, $5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, and (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders.

11. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, Sec. 101(e) of the Continuing Appropriations for 1988 (P.L. 100-202, December 22, 1987)

Title II--Bilateral Economic Assistance

Provided further, That of the funds appropriated under this heading $185,000,000 only shall be available for El Salvador, $80,000,000 only shall be available for Guatemala, $90,000,000 only shall be available for Costa Rica, and $85,000,000 only shall be available for Honduras: *Provided further,* That of the funds appropriated under this heading for El Salvador, 10 percent of such funds may not be obligated until enactment of the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989", and may be obligated only if, by the date of enactment of such Act, the accused murderers of United States marines in El Salvador have not been released from prison as a result of an amnesty program:

Provided further, That $25,000,000 of the funds appropriated under this heading shall be made available for earthquake relief, rehabilitation, and reconstruction assistance for El Salvador in accordance with section 491 of the Foreign Assistance Act of 1961, which amount shall be accounted for separately and, of which amount, not less than $2,000,000 shall be available for reconstruction and rehabilitation of the National University of El Salvador and other institutions of higher education: *Provided further,* That the Office of the Inspector General of the Agency for International Development shall monitor the use of funds made available under this heading for earthquake relief, rehabilitation, and reconstruction assistance for El Salvador and shall provide, by April 15, 1988, a detailed accounting to the Committees on Appropriations of the uses of the funds made available for El Salvador during fiscal year 1987 for earthquake relief, rehabilitation, and reconstruction:

Provided further, That funds made available under this heading shall remain available until September 30, 1989.

EL SALVADOR—INVESTIGATION OF MURDERS

SEC. 542. Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, $5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January, 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, and (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January, 1981, murders.

NOTIFICATION CONCERNING EL SALVADOR

SEC. 561. (a) The Congress expects that—

(1) the Government of El Salvador and the armed opposition forces and their political representatives will be willing to pursue a dialogue for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections;

(2) the elected civilian government will be in control of the Salvadoran military and security forces, and those forces will comply with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support);

(3) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in ending the activities of the death squads;

(4) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in establishing an effective judicial system; and

(5) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in implementing the land reform program.

(b) REPORTS.—On April 1, 1988, and September 30, 1988, the President shall report to the Speaker of the House of Representatives, the Committees on Appropriations and the chairman of the Committee on Foreign Relations of the Senate on the extent to which the objectives described in subsection (a) are being met. With respect to the objective described in paragraph (4) of that subsection, each report shall specify the status of all cases presented to the Salvadoran courts involving human rights violations against civilians by members of the Salvadoran security forces, including military officers and other military personnel and civil patrolmen.

12. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989

Public Law 100-461 [H.R. 4637], 102 Stat. 2268, approved October 1, 1988, as amended by the International Narcotics Control Act of 1988, Public Law 100-690 [H.R. 5210], 102 Stat. 4261, approved November 18, 1988

TITLE II—BILATERAL ECONOMIC ASSISTANCE

Provided further, That of the funds appropriated under this heading $185,000,000 only shall be available for El Salvador, $80,000,000 only shall be available for Guatemala, $90,000,000 only shall be available for Costa Rica, and not less than $85,000,000 shall be available for Honduras: *Provided further,* That of the funds provided under this heading for Central American countries, not less than $5,000,000 shall be available only to develop energy self-sufficiency, to identify and utilize indigenous resources to improve economic development, and to reduce reliance on imported energy:

Provided further, That notwithstanding section 660 of the Foreign Assistance Act of 1961 up to $1,000,000 of the funds appropriated under this heading may be made available to assist the Government of El Salvador's Special Investigative Unit for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador: *Provided further,* That a report of the investigation shall be provided to the Congress: *Provided further,* That $20,000,000 of the funds appropriated under this heading shall be made available to carry out the Administration of Justice program pursuant to section 534 of the Foreign Assistance Act of 1961:

Provided further, That funds made available under this heading shall remain available until September 30, 1990.

TITLE V—GENERAL PROVISIONS

EL SALVADOR—INVESTIGATION OF MURDERS

SEC. 539.[61] Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and

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[61] First enacted as sec. 547 of the Foreign Assistance Appropriations Act, 1986.

5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, $5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, and (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders.

NOTIFICATION CONCERNING EL SALVADOR

SEC. 556.[80] (a) The Congress expects that—

(1) the Government of El Salvador and the armed opposition forces and their political representatives will be willing to pursue a dialogue for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections;

(2) the elected civilian government will be in control of the Salvadoran military and security forces, and those forces will comply with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support);

(3) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in ending the activities of the death squads;

(4) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in establishing an effective judicial system; and

(5) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in implementing the land reform program.

(b) REPORTS.—On April 1, 1989, and September 30, 1989, the President shall report to the Speaker of the House of Representatives, the Committees on Appropriations and the chairman of the Committee on Foreign Relations of the Senate on the extent to which the objectives described in subsection (a) are being met. With respect to the objective described in paragraph (4) of that subsection, each report shall specify the status of all cases presented to the Salvadoran courts involving human rights violations against civilians by members of the Salvadoran security forces, including military officers and other military personnel and civil patrolmen.

EL SALVADOR ECONOMIC SUPPORT FUNDS

SEC. 591. Not less than 25 percent of the Economic Support Funds made available for El Salvador by this Act shall be used for projects and activities in accordance with the provisions applicable to assistance under chapter 1 of part I of the Foreign Assistance Act of 1961.

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[80] Similar language was first enacted as sec. 561 of the Foreign Assistance Appropriations Act, 1988.

G. Guatemala

1. International Security and Development Cooperation Act of 1985 (Public Law 99-83, August 8, 1985), Sec. 703

SEC. 703. ASSISTANCE FOR GUATEMALA.

(a) CONDITIONS ON MILITARY ASSISTANCE AND SALES.[22]—For fiscal years 1986 and 1987, assistance may be provided for Guatemala under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) and sales may be made and financing may be provided for Guatemala under the Arms Export Control Act (relating to foreign military sales) only if the President makes the following certifications to the Congress:

(1) For fiscal year 1986, an elected civilian government is in power in Guatemala and has submitted a formal written request to the United States for the assistance, sales, or financing to be provided.

(2) For both fiscal years 1986 and 1987, the Government of Guatemala made demonstrated progress during the preceding year—

(A) in achieving control over its military and security forces,

(B) toward eliminating kidnapings and disappearances, forced recruitment into the civil defense patrols, and other abuses by such forces of internationally recognized human rights, and

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[22] Title III of the Foreign Assistance Appropriations Act, 1986 as contained in sec. 101(j) of Public Law 99-190, 99 Stat. 1302 provided the following appropriation for fiscal year 1986 [assuming certification requirements are met]:

* * * That not more than $553,900,000 of the funds made available under this paragraph shall be available at concessional rates of interest: *Provided further,* That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification process of the Committee on Appropriations.

Title V of the 1987 Act, Public Law 99-591, 100 Stat. 3341 provides as follows:

SEC. 538. Funds provided in this Act for Guatemala may not be provided to the Government of Guatemala for use in its rural resettlement program, except through the regular notification procedures of the Committees on Appropriations.

(C) in respecting the internationally recognized human rights of its indigenous Indian population.

(b) CONSTRUCTION EQUIPMENT AND MOBILE MEDICAL FACILITIES AND RELATED TRAINING.—If the conditions specified in subsection (a) are met, Guatemala may be provided with the following for fiscal years 1986 and 1987 (in addition to such other assistance, sales, or financing as may be provided for Guatemala):

(1) Sales of construction equipment and mobile medical facilities to assist in development programs that will directly assist the poor in Guatemala.

(2) Sales of training, to be provided outside of Guatemala, which is related to the sales described in paragraph (1).

(3) A total for both fiscal years 1986 and 1987 of no more than $10,000,000 in credits under the Arms Export Control Act for sales described in paragraphs (1) and (2).

Such sales and credits shall be provided only to enable the military forces of Guatemala to obtain equipment and training for civilian engineering and construction projects and mobile medical teams, which would not be used in the rural resettlement program.

(c) PROHIBITION ON FURNISHING WEAPONS.—Funds authorized to be appropriated by title I of this Act may not be used for the procurement by Guatemala of any weapons or ammunition.

(d) SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.—All assistance authorized by this Act which is allocated for Guatemala shall be suspended if the elected civilian government of that country is deposed by military coup or decree.

(e) RURAL RESETTLEMENT PROGRAM.—Assistance provided for Guatemala for the fiscal year 1986 and fiscal year 1987 under chapter 1 of part I (relating to development assistance) or under chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961—

(1) may not be provided to the Government of Guatemala for use in its rural resettlement program; and

(2) shall be provided through private and voluntary organizations to the maximum extent possible.

(f) INVITATION FOR ICRC TO VISIT GUATEMALA.—The Congress calls upon the President to urge the Government of Guatemala to allow the International Committee of the Red Cross—

(1) to conduct an unimpeded visit to Guatemala in order to investigate humanitarian needs in that country and to report on human rights abuses in that country; and

(2) to investigate the possibilities of its providing humanitarian services in that country.

(g) RELATIONS BETWEEN BELIZE AND GUATEMALA.—It is the sense of the Congress that the United States should use its good offices and influence to encourage the Government of Guatemala to recognize the independence of Belize and to enter into a mutual nonaggression treaty with Belize.

(h) HUMAN RIGHTS GROUPS IN GUATEMALA.—(1) The Congress finds that—

(A) the Group for Mutual Support was formed in 1984 to protest the disappearances of Guatemalan civilians;

(B) the Group for Mutual Suppport has carried out its work in a peaceful, non-ideological manner, and is the only indigenous human rights group operating in Guatemala; and

(C) two of the Group's six steering committee members, Hector Gomez and Maria Rosario Godyo de Cuevas, were recently killed.

(2) It is the sense of the Congress that—

(A) human rights groups in Guatemala, particularly the Group for Mutual Support, should be allowed to carry out their work against human rights abuses with the full cooperation, protection, and support of the Government of Guatemala; and

(B) whether the Government of Guatemala allows human rights groups, including the Group for Mutual Support, to carry out their work should be taken into account by the United States in determining whether there is human rights progress in Guatemala.

2. Foreign Assistance and Related Programs Appropriations Act, 1986, Sec. 101(j) of the Continuing Appropriations Act, 1986 (Public Law 99-190, December 19, 1985). Title III: Foreign Military Credit Sales

FOREIGN MILITARY CREDIT SALES

For expenses necessary to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $5,190,000,000,

Provided further, That none of the funds made available under this paragraph shall be available for Guatemala, unless the President makes the following certifications to the Congress:

(1) For Fiscal Year 1986, an elected civilian government is in power in Guatemala and has submitted a formal written request to the United States for the assistance, sales, or financing to be provided.

(2) For Fiscal Year 1986, the Government of Guatemala made demonstrated progress during the preceding year (A) in achieving control over its military and security forces, (B) toward eliminating kidnapings and disappearances, forced recruitment into the civil defense patrols, and other abuses by such forces of internationally recognized human rights, and (C) in respecting the internationally recognized human rights of its indigenous Indian population:

3. Foreign Assistance and Related Programs Appropriations Act, 1987, Sec. 101(f) of the Continuing Appropriations Act, 1987 (Public Law 99-591, October 30, 1986), Sec. 538

Sec. 538. Funds provided in this Act for Guatemala may not be provided to the Government of Guatemala for use in its rural resettlement program, except through the regular notification procedures of the Committees on Appropriations.

5. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, Sec. 101(e) of the Continuing Appropriations for 1988 (P.L. 100-202, December 22, 1987)

TITLE III—MILITARY ASSISTANCE

Funds Appropriated to the President

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $700,750,000: *Provided,* That of the funds appropriated under this heading not less than $7,000,000 shall be made available only for Guatemala: *Provided further,* That none of the funds appropriated or otherwise made available pursuant to this Act may be used for the procurement by Guatemala of any weapons or ammunition:

GUATEMALA—RESETTLEMENT PROGRAM

Sec. 536. Funds provided in this Act for Guatemala may not be provided to the Government of Guatemala for use in its rural resettlement program, except through the regular notification procedures of the Committees on Appropriations.

6. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989. (P.L. 100-641, November 18, 1988)

TITLE II—BILATERAL ECONOMIC ASSISTANCE

Provided further, That of the funds appropriated under this heading $185,000,000 only shall be available for El Salvador, $80,000,000 only shall be available for Guatemala, $90,000,000 only shall be available for Costa Rica, and not less than $85,000,000 shall be available for Honduras:

TITLE III—MILITARY ASSISTANCE

Provided further, That not less than $9,000,000 shall be available for non-lethal military assistance for Guatemala, of which not less than $2,000,000 shall be available only for civic action programs and for the construction of military barracks:

TITLE V—GENERAL PROVISIONS

GUATEMALA—RESETTLEMENT PROGRAM

SEC. 534.[56] Funds provided in this Act for Guatemala may not be provided to the Government of Guatemala for use in its rural resettlement program, except through the regular notification procedures of the Committees on Appropriations.

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[56] Similar language was first enacted as sec. 539 of the Foreign Assistance Appropriations Act, 1986.

H. Haiti

1. International Secruity and Development Cooperation Act of 1985 (Public Law 99-83, August 8, 1985), Sec. 705*

SEC. 705. PROMOTING THE DEVELOPMENT OF THE HAITIAN PEOPLE AND PROVIDING FOR ORDERLY EMIGRATION FROM HAITI.[22a]

(a) USE OF PVOs.—To the maximum extent practicable, assistance for Haiti under chapter 1 of part I (relating to development assistance) and under chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) CONDITIONS ON ASSISTANCE.—Funds available for fiscal year 1986 and for fiscal year 1987 to carry out chapter 1 of part I (relating to development assistance), chapter 4 of part II (relating to the economic support fund), or chapter 5 of part II (relating to international military education and training) of the Foreign Assistance Act of 1961 may be obligated for Haiti only if the President determines that the Government of Haiti—

(1) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years); and

(3) is making progress toward improving the human rights situation in Haiti and progress toward implementing political reforms which are essential to the development of democracy in Haiti, such as progress toward the establishment of political parties, free elections, free labor unions, and freedom of the press.

[22a] Title I, Chapter V of Public Law 99-349 [Urgent Supplemental Appropriations Act, 1986] 100 Stat. 726 provides:

ASSISTANCE FOR HAITI

Of the funds made available in title II of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), subject to the notification process of the Committees on Appropriations, up to $21,700,000 shall be made available for assistance to Haiti. Of this amount, $1,700,000, or the equivalent amount in local currencies, may be transferred to the Inter-American Foundation for use by the Foundation for programs for Haiti. The assistance made available pursuant to this paragraph shall be used to promote the transition to democracy by means such as generating local currency for use for literacy projects, rural development, and job creation. The assistance provided for Haiti pursuant to this paragraph shall be in addition to the assistance previously allocated for Haiti.

It is the sense of the Congress that the United States Government should cooperate with the Government of Haiti in recovering for the Haitian people the wealth that was illegally obtained by former president Jean-Claude Duvalier and his former government ministers and associates through diversions of funds and property, regardless of whether that wealth is located in the United States or abroad.

Notwithstanding any limitations on assistance to Haiti contained in Public Law 98-473 or Pulic Law 99-83, funds in the amount of $750,000 previously appropriated for the purposes of chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, may be made available for Haiti to carry out such purposes: *Provided*, That none of the funds made available pursuant to this paragraph may be made available for obligation unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided further*, That the funds provided under this paragraph shall be made available only to provide nonlethal military assistance for Haiti.

*Similar provisions in authorization and appropriation measures since 1981.

(c) Reports to the Congress.—Not later than one year after the date of the enactment of this Act and one year thereafter, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each paragraph of subsection (b).

(d) Assistance in Halting Illegal Emigration From Haiti.—Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961 (relating to police training), funds made available under such Act may be used for programs with Haiti, which shall be consistent with prevailing United States refugee policies, to assist in halting significant illegal emigration from Haiti to the United States.

(e) Limitation on MAP and FMS Financing.—Assistance may not be provided for Haiti for fiscal year 1986 or fiscal year 1987 under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) or under the Arms Export Control Act (relating to foreign military sales financing), except for necessary transportation, maintenance, communications, and related articles and services to enable the continuation of migrant and narcotics interdiction operations.

(f) Literacy and Other Education Programs.—Of the amounts authorized to be appropriated to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) which are allocated for Haiti, $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 shall be available only for literacy and other education programs in Haiti.

2. Urgent Supplemental Appropriations, 1986

(Public Law 99-349, July 2, 1986)

Chapter V

ASSISTANCE FOR HAITI

Of the funds made available in title II of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), subject to the notification process of the Committees on Appropriations, up to $21,700,000 shall be made available for assistance to Haiti. Of this amount, $1,700,000, or the equivalent amount in local currencies, may be transferred to the Inter-American Foundation for use by the Foundation for programs for Haiti. The assistance made available pursuant to this paragraph shall be used to promote the transition to democracy by means such as generating local currency for use for literacy projects, rural development, and job creation. The assistance provided for Haiti pursuant to this paragraph shall be in addition to the assistance previously allocated for Haiti.

It is the sense of the Congress that the United States Government should cooperate with the Government of Haiti in recovering for the Haitian people the wealth that was illegally obtained by former president Jean-Claude Duvalier and his former government ministers and associates through diversions of funds and property, regardless of whether that wealth is located in the United States or abroad.

Notwithstanding any limitations on assistance to Haiti contained in Public Law 98-473 or Public Law 99-83, funds in the amount of $750,000 previously appropriated for the purposes of chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, may be made available for Haiti to carry out such purposes: *Provided*, That none of the funds made available pursuant to this paragraph may be made available for obligation unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided further*, That the funds provided under this paragraph shall be made available only to provide nonlethal military assistance for Haiti.

3. Foreign Assistance and Related Programs Appropriations Act, 1987, Section 101(f) of the Continuing Appropriations Act, 1987

(Public Law 99-951, October 30, 1986),

AID, Sec. 554

Haiti, Development Assistance: Of the funds made available to carry out sections 103 through 106 of the Foreign Assistance Act of 1961, as amended, not less than $37,000,000 shall be available to support a transition to democracy through activities emphasizing job creation, rural development, health care, sanitation, small scale irrigation projects, reforestation, land conservation, and literacy education projects: *Provided*, That funds made available pursuant to this paragraph for Haiti shall be used to provide assistance, to the maximum extent practicable, equitably among the various regions of Haiti.

SEC. 554. The Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank to work with the representatives, and with the ministries from which they receive their instructions, of other donor nations to the Inter-American Development Bank, to develop a coordinated economic development program for the assistance activities of the Bank for Haiti. Such program should be developed in cooperation with the Department of State and the Agency for International Development to ensure that the bilateral economic assistance programs of the United States for Haiti are effectively coordinated with the activities of the Inter-American Development Bank.

4. Special Assistance Act of 1986

(Public Law 99-529, October 24, 1986)

Sec. 201 Sec. 202 Sec. 203 Sec. 204

SEC. 201. FINDINGS CONCERNING HAITI.

The Congress finds that—

(1) the establishment of an interim government in Haiti committed to a restoration of democracy provides Haiti with an op-

portunity to build the political, social, and economic institutions necessary to promote Haiti's development, to provide a better future for the people of Haiti, and to provide the framework for more effective mutual cooperation with the United States, Haiti's neighbor in the Caribbean, and the other nations of the Hemisphere;

(2) the magnitude of the political, economic, and social tasks facing the people of Haiti will make the achievement of a better future a difficult task which will require a determined and sustained effort by the Haitian people over a long period of time and will require significant external assistance from the United States and other donors; and

(3) it is in the interest of the United States to provide appropriate support for the development of Haiti, a close neighbor which is one of the world's poorest nations and which is committed to the establishment of a democratic government.

SEC. 202. ECONOMIC ASSISTANCE FOR HAITI.

(a) Earmarking of Funds.—Not less than $108,000,000 of the aggregate amounts available for fiscal year 1987 to carry out sections 103 through 106 of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 4 of part II of that Act (relating to the Economic Support Fund), and titles I and II of the Agricultural Trade Development and Assistance Act of 1954 (relating to the Food for Peace Program) shall be available only for Haiti.

(b) Use of Development Assistance.—Assistance under sections 103 through 106 of the Foreign Assistance Act of 1961 which is provided for Haiti pursuant to subsection (a) shall be used to support a transition to democracy in Haiti, emphasizing foreign investment, job creation (especially in the private sector), rural development, health care and sanitation, small-scale irrigation, reforestation and land conservation, and literacy education. Such assistance should reflect the need to distribute development assistance resources more equitably among the various regions in Haiti in order to support sustainable development in all of Haiti.

(c) Requirement for Segregated Account for Economic Support Assistance Funds Paid to Government of Haiti.—Funds under chapter 4 of part II of the Foreign Assistance Act of 1961 which are made available for Haiti pursuant to subsection (a) may be paid to the Government of Haiti only if the Government of Haiti will maintain those funds in a separate account and not commingle them with other funds.

(d) Conditions on Economic Support and Development Assistance.—Funds may be obligated for assistance for Haiti under sections 103 through 106 of chapter 4 of part II of the Foreign Assistance Act of 1961 pursuant to subsection (a) only if the President determines that the interim Government of Haiti—

(1) is improving the human rights situation in Haiti;

(2) is implementing its timetable for completion of a new constitution that promotes genuine democratic reforms and guarantees the fundamental principles of democracy;

(3) is establishing a framework for free and open elections leading to a democratically-elected civilian government, which

would include free and functioning political parties and associations, free labor unions, and freedom of the press;

(4) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years);

(5) is maintaining a system of fiscal accountability to ensure that all resources allocated to the development of Haiti are used in the most effective and efficient manner;

(6) is continuing its investigation of alleged human rights abuses and corruption by the Duvalier government and is prosecuting, in accordance with due process, those responsible for human rights abuses and corruption;

(7) is maintaining a free and independent judiciary system;

(8) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti; and

(9) is encouraging private sector development.

(e) * * *

(f) ADDITIONAL ASSISTANCE FOR ECONOMIC DEVELOPMENT IN HAITI.—In order to assist economic development in Haiti, a Foreign Commercial Service officer should be assigned to the United States Embassy in Haiti.

SEC. 203. MILITARY TRAINING AND OTHER NONLETHAL ASSISTANCE FOR HAITI.

(a) AUTHORIZATION OF ASSISTANCE.—Up to $4,000,000 of the aggregate amounts available for fiscal year 1987 to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), chapter 5 of part II of that Act (relating to international military education and training), and the Arms Export Control Act (relating to FMS assistance) may be made available for Haiti for education, training, and other nonlethal assistance (such as transportation equipment, communications equipment, and uniforms).

(b) CONDITIONS ON MILITARY ASSISTANCE.—Funds made available pursuant to subsection (a) may be obligated only if the President certifies to the Congress the following:

(1) The Government of Haiti has submitted a formal request to the United States specifying a comprehensive plan for the reform and reorganization of the mission, command, and control structures of the Haitian armed forces consistent with a transition to democracy, the rule of law, constitutional government, and an elected civilian government. Such a plan should include a publicly announced commitment by the armed forces of Haiti to abide by international human rights standards and adoption of a code of conduct to assure adherence to these standards.

(2) The Government of Haiti is making substantial efforts—

(A) to prevent the involvement of the Haitian armed forces in human rights abuses and corruption by removing from those forces and prosecuting, in accordance with due process, those military personnel responsible for the human rights abuses and corruption;

(B) to ensure that freedom of speech and assembly are respected;

(C) to conduct investigations into the killings of unarmed civilians in Gonaives, Martissant, and Fort Dimanche, to prosecute, in accordance with due process, those responsible for those killings, and to prevent any similar occurrences in the future;

(D) to provide education and training to the Haitian armed forces with respect to internationally recognized human rights and the civil and political rights essential to democracy, in order to enable those forces to function consistent with those rights; and

(E) to take steps to implement the policy of the Government of Haiti requiring former members of the Volunteers for National Security (VSN) to turn in their weapons and to take the necessary actions to enforce this requirement.

(c) REPORTS.—Not later than three months after the President submits his certification under subsection (b) and every three months thereafter, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each of the objectives specified in subsection (b). Half of the assistance provided pursuant to subsection (a) shall be withheld from delivery until the President submits the first such report.

(d) NOTIFICATION TO CONGRESS.—Funds made available pursuant to subsection (a) may be obligated only if the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate are notified fifteen days in advance.

(e) RELATION TO EXISTING PROVISION.—Assistance under subsection (a) may be provided notwithstanding the limitations contained in section 705(e) of the International Security and Development Cooperation Act of 1985 and is in addition to the assistance allowed under that section.

SEC. 204. RECOVERY BY HAITI OF ASSETS STOLEN BY DUVALIER REGIME.

(a) FINDINGS.—The Congress finds that—

(1) the Government of Haiti believes that former president-for-life Jean Claude Duvalier and other individuals associated with the Duvalier regime illegally diverted to their own use substantial amounts of the assets of the Government of Haiti:

(2) the Government of Haiti is attempting to locate and recover those assets through legal means;

(3) virtually every relevant jurisdiction, both in the United States and abroad, requires the posting of some form of security to secure the issuance of orders of attachment or other judicial seizures of property;

(4) the Government of Haiti is unable, without outside assistance, to post the necessary security because of its lack of assets;

(5) Haiti's economic situation could be significantly improved, and the need for external resources reduced, if the Government of Haiti is able to pursue its legal remedies against those who are in large part responsible for the economic crisis in Haiti; and

(6) the United States has a substantial foreign policy interest in helping the Government of Haiti recover any assets which were illegally diverted by those associated with the Duvalier regime.

(b) ACTIONS TO ASSIST HAITI.—The President shall exercise the authorities granted by section 203 of the International Emergency Economic Powers Act (50 U.S.C. App. 1702) to assist the Government of Haiti in its efforts to recover, through legal proceedings, assets which the Government of Haiti allegles were stolen by former president-for-life Jean Claude Duvalier and other individuals associated with the Duvalier regime. This subsection shall be deemed to satisfy the requirements of section 202 of that Act.

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5. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, Sec. 101(e) of the Continuing Appropriations for 1988 (P.L. 100-202, December 22, 1987)

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $700,750,000: *Provided*, That not more than $2,400,000 of the funds appropriated under this heading shall be made available for Haiti; any material assistance provided from such funds shall be limited to nonlethal items such as transportation and communications equipment and uniforms: *Provided further*, That funds made available under this heading for Haiti shall be made available only through the regular notification procedures of the Committees on Appropriations:

HAITI

SEC. 569. (a) SUSPENSION OF ASSISTANCE.—During fiscal year 1988, none of the funds made available by this Act or by any other Act or joint resolution may be obligated or expended to provide United States assistance (including any such assistance appropriated and previously obligated) for Haiti (other than the assistance described in subsection (b) of this section) unless the democratic process set forth in the Haitian Constitution approved by the Haitian people on March 29, 1987, especially those provisions relating to the provisional Electoral Council, is being fully and faithfully adhered to by the Government of Haiti.

(b) EXCEPTIONS.—The term "United States assistance" does not include—

(1) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies;

(2) assistance which involves the donations of food or medicine;

(3) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961);

(4) assistance for refugees;

(5) assistance under the Inter-American Foundation Act;

(6) assistance necessary for the continued financing of education for Haitians in the United States; or

(7) assistance provided in order to enable the continuation of migrant and narcotics interdiction operations.

(c) OTHER SANCTIONS.—It is the sense of the Congress that, in order to further encourage the Government of Haiti to adhere to the constitutionally mandated transition to democracy, the President should—

(1) suspend Haiti's eligibility for benefits under the Caribbean Basin Economic Recovery Act; and

(2) seek international cooperation to encourage such adherence by the Government of Haiti through the imposition of an international arms embargo and comprehensive trade and financial sanctions.

6. Foreign Relations, Export Financing, and Related Programs Appropriations Act, 1989
(P.L. 100-461, November 18, 1988)

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE [12]

Provided further, That funds made available under this heading for Haiti shall be made available only through the regular notification procedures of the Committees on Appropriations:

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TITLE V—GENERAL PROVISIONS

HAITI

SEC. 563.[87] (a) SUSPENSION OF ASSISTANCE.—During fiscal year 1989, none of the funds made available by this Act or by any other Act or joint resolution may be obligated or expended to provide United States assistance (including any such assistance appropriated and previously obligated) for Haiti (other than the assistance described in subsection (b) of this section) unless the democratic process set forth in the Haitian Constitution approved by the Haitian people on March 29, 1987, especially those provisions relating to the provisional Electoral Council, is being fully and faithfully adhered to by the Government of Haiti.

(b) EXCEPTIONS.—The term "United States assistance" does not include—

(1) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies;

(2) assistance which involves the donations of food or medicine;

(3) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961);

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[12] The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Sec. 101(e) of the Continuing Appropriations Act for 1988, Public Law 100-202, 101 Stat. 1329-147), made Military Assistance appropriations available for three years, through September 30, 1990. For text, see page 579.

(4) assistance for refugees;

(5) assistance under the Inter-American Foundation Act;

(6) assistance necessary for the continued financing of education for Haitians in the United States;

(7) assistance provided in order to enable the continuation of migrant and narcotics interdiction operations;

(8) activities under the National Endowment for Democracy Act;

(9) assistance under title IV, chapter 2 of part I of the Foreign Assistance Act of 1961 (relating to the Overseas Private Investment Corporation); or

(10) assistance under the Peace Corps Act.

(c) OTHER SANCTIONS.—It is the sense of the Congress that, in order to further encourage the Government of Haiti to adhere to the constitutionally mandated transition to democracy, the President should—

(1) suspend Haiti's eligibility for benefits under the Caribbean Basin Economic Recovery Act; and

(2) seek international cooperation to encourage such adherence by the Government of Haiti through the imposition of an international arms embargo and comprehensive trade and financial sanctions.

(d) EFFECT OF FISCAL YEAR 1988 PROGRAMS.—Assistance may be provided for Haiti during fiscal year 1988 under title IV, chapter 2 of part I of the Foreign Assistance Act of 1961, or under the Peace Corps Act notwithstanding section 569 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988.

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[87] Similar language was first enacted as sec. 569 of the Foreign Assistance Appropriations Act, 1988.

I. Honduras

1. Foreign Assistance Act of 1961
(Public Law 87-195, September 4, 1961), as amended
Sec. 515

Sec. 515.[467] Overseas Management of Assistance and Sales Programs.—(a) In order to carry out his responsibilities for the management of international security assistance programs conducted under this chapter, chapter 5 of this part, and the Arms Export Control Act, the President may assign members of the Armed Forces of the United States to a foreign country to perform one or more of the following functions:

(1) equipment and services case management;

(2) training management;

(3) program monitoring;

(4) evaluation and planning of the host government's military capabilities and requirements;

(5) administrative support;

(6) promoting rationalization, standardization, interoperability, and other defense cooperation measures among members of the North Atlantic Treaty Organization and with the Armed Forces of Japan, Australia, and New Zealand; and

(7) liaison functions exclusive of advisory and training assistance.

(b) Advisory and training assistance conducted by military personnel assigned under this section shall be kept to an absolute minimum. It is the sense of the Congress that advising and training assistance in countries to which military personnel are assigned under this section shall be provided primarily by other personnel who are not assigned under this section and who are detailed for limited periods to perform specific tasks.

(c)(1) The number of members of the Armed Forces assigned to a foreign country under this section may not exceed six unless specifically authorized by the Congress. The President may waive this limitation if he determines and reports to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, 30 days prior to the introduction of the additional military personnel, that United States national interests require that more than six members of the Armed Forces be assigned under this section to carry out international security assistance programs in a country not specified in this paragraph. Pakistan, Tunisia, El Salvador, Honduras, Colombia,[468] Indonesia, the Republic of Korea, the Philippines, Thailand, Egypt, Jordan, Morocco, Saudi Arabia, Greece, Portugal, Spain, and Turkey are authorized to have military personnel strengths larger than six under this section to carry out international security assistance programs.

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[467] 22 U.S.C. 2321i. Sec. 515, as amended by sec. 16 of FA Act of 1974, sec. 104 of Public Law 94-329, sec. 7(c) of Public Law 95-92, sec. 9 of Public Law 95-424, sec. 7 of Public Law 95-92, and sec. 114 of Public Law 96-533, was comprehensively amended and restated by sec. 112 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113, 95 Stat. 1527).

(2) The total number of members of the Armed Forces assigned under this section to a foreign country in a fiscal year may not exceed the number justified to the Congress for that country in the congressional presentation materials for that fiscal year, unless the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives are notified 30 days in advance of the introduction of the additional military personnel.

(d) Effective October 1, 1982, the entire costs (including salaries of the United States military personnel) of overseas management of international security assistance programs under this section shall be charged to or reimbursed from funds made available to carry out this chapter, other than any such costs which are either paid directly for such defense services under section 21(a) of the Arms Export Control Act [469] or reimbursed from charges for services collected from foreign governments pursuant to section 21(e) and section 43(b) of that Act.[469]

(e) Members of the Armed Forces assigned to a foreign country under this section shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission to that country.

(f) The President shall continue to instruct United States diplomatic and military personnel in the United States missions abroad that they should not encourage, promote, or influence the purchase by any foreign country of United States-made military equipment, unless they are specifically instructed to do so by an appropriate official of the executive branch.

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[468] Sec. 125 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 205), strikes out the words: "For the fiscal year 1982 and the fiscal year 1983" and substituted in lieu thereof the words "Pakistan, Tunisia, El Salvador, Honduras".

Sec. 4305(a) of Public Law 100-690, 102 Stat. 4273, added "Colombia" after "Honduras".

[469] For text of the Arms Export Control Act, see pages 266 (sec. 21(a)), 268 (sec. 21(e)), and 306 (sec. 43(b)).

2. Foreign Assistance and Related Programs Appropriations Act, 1985, Sec. 101 of the Continuing Appropriations Act, 1985 (Public Law 98-473, October 12, 1984), Title III

TITLE III—MILITARY ASSISTANCE

Funds Appropriated to the President

Military Assistance

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $805,100,000: *Provided,*

Provided further, That none of the funds made available by this paragraph may be obligated or expended for the construction or operation of a Regional Military Training Center in Honduras except as provided through the regular notification process of the Committees on Appropriations and until the President provides to the Committees on Appropriations of the Senate and the House of Representatives (1) a report that the Government of Honduras has provided a site for such a Center and assumed responsibility for any competing claims to rights of use or ownership of such site, and has provided written assurances to make that site available on a long-term basis for training by the armed forces of other friendly countries in the region as well as those of Honduras; (2) a detailed plan, with specific cost estimates, for the construction of such a Center at the site provided by the Government of Honduras; and (3) a determination that the Government of Honduras recognizes the need to compensate as required by international law the United States citizen who claims injury from the establishment and operation of the existing Center, and that it is taking appropriate steps to discharge its obligations under international law, in particular the Treaty of Friendship, Commerce and Consular Rights with the United States, as well as its letter of December 14, 1983, to the United States Trade Representative: *Provided further,* That the President shall report to the Committees sixty days after the passage of this resolution and again in one hundred and twenty days on progress in resolving this claim; in one hundred and eighty days, the President shall report on the resolution of the claim or, if Honduras has failed to resolve the claim, on the actions which he proposes to take in response to the situation and in particular actions with respect to the granting of preferential trade benefits under the Caribbean Basin Initiative, disbursemenit of economic support funds or any other funds provided under this resolution and review of the status of Honduras under other, expropriation-related legislation.

3. Military Construction Appropriations Act, 1985, Sec. 101 of the Continuing Appropriations Act, 1985 (Public Law 98-473, October 12, 1984), Sec. 123

SEC. 123. The Secretary of Defense is to inform the Committees on Appropriations and Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

4. International Security and Development Cooperation Act of 1985 (Public Law 99-83, August 8, 1985), Sec. 704

SEC. 704. REFUGEES IN HONDURAS.

Funds authorized to be appropriated by this Act and funds authorized to be appropriated for the "Migration and Refugee Assistance" account for fiscal years 1986 and 1987—

(1) which are to be used for refugee assistance or other assistance for Nicaraguan Indian refugees in Honduras shall be channeled, to the maximum extent possible, through the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the Intergovernmental Committee for Migration, or other established and recognized international refugee relief organizations; and

(2) may not be used to facilitate the involuntary repatriation of Salvadoran refugees who are in Honduras.

6. Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (P.L. 100-204, December 22, 1987)

SEC. 1213. TERRORIST BOMBING IN HONDURAS.

(a) FINDINGS.—The Congress finds that—

(1) a terrorist bomb exploded on August 8, 1987, in the China Palace restaurant in Comayagua, Honduras;

(2) the bomb was directed at American soldiers and did in fact wound American soldiers and an American contractor;

(3) the United States military personnel were in Honduras assigned to Joint Task Force Bravo;

(4) Honduran authorities have named Alfonso Guerrero Ulloa as a suspect in this act of terrorism and have a warrant for his arrest;

(5) the Government of Mexico, contrary to accepted norms of international law on harboring terrorists, has granted asylum to Mr. Guerrero; and

(6) the United States Government has protested to the Government of Mexico.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the United States Congress deplores the harboring of international terrorists, and

(2) the United States Government should call upon the Government of Mexico to turn Mr. Guerrero over to the Government of Honduras.

7. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461, November 18, 1988), Titles II and V

TITLE II—BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

. *Provided further,* That of the funds appropriated under this heading $185,000,000 only shall be available for El Salvador, $80,000,000 only shall be available for Guatemala, $90,000,000 only shall be available for Costa Rica, and not less than $85,000,000 shall be available for Honduras:

HONDURAS—RAMIREZ CASE

SEC. 574.[100] It is the sense of the Congress that, pursuant to the procedures contained in section (j) under the heading "Assistance for Central America" enacted in Public Law 100-71,[101] the Hondu-

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[99] 22 U.S.C. 2151v note.

[100] H.R. 4637, as it was approved by Congress, included a sec. 573. Sec. 573, however, was omitted from the enrolled version of the bill. H.R. 4637, as printed by the House on July 7, 1988, and the Conference Report of September 26, 1988 (Report 100-983), showed sec. 573 to read as follows:

"RESOLUTION OF JAPANESE BEETLE PROBLEM

"SEC. 573. None of the funds appropriated by this Act may be used to fund any programs to assist in solving the Japanese beetle problem in the Azores. It is the sense of the Congress that this problem was created by the Department of Defense which should fund any program to resolve it."

[101] Chapter IV, sec. (j) of the Supplemental Appropriations Act, 1987 (Public Law 100-71, 101 Stat. 406), provided the following:

Continued

ran Government appears to have made a reasonable and good faith settlement offer based on a factual analysis by third parties, and the owner of the property in question is strongly encouraged to accept the proposed settlement. Therefore, notwithstanding the provisions of such section, $5,000,000 of the Economic Support Funds made available by Public Law 100-71 for Honduras but withheld from expenditure shall be available for expenditure upon enactment of this Act: *Provided,* That if a settlement is reached on the property in question, then the additional $15,000,000 withheld from expenditure pursuant to such section shall then be available for expenditure.

"(j) Of the funds specified for Honduras in paragraph (b), $20,000,000 shall be obligated, but shall not be expended, except as provided in the fourth proviso, until the Government of Honduras and an American citizen, whose property and businesses in the vicinity of Trujillo, Honduras were affected by actions of the Government of Honduras with respect to the Regional Military Training Center, reach a settlement concerning compensation: *Provided* , That in order to facilitate such a settlement the Department of State shall select an independent factfinder. The factfinder shall correct and expand, as may be appropriate, the existing factfinder's report. Such report shall be issued by September 30, 1987: *Provided further,* That if the two parties have not reached a full and final settlement of this matter, including a complete waiver of further claims and liabilities against the Governments of Honduras and the United States, by November 30, 1987, then the Department of State shall request that both parties submit the disagreement to binding international arbitration in accordance with the rules of procedure of the Inter-American Commercial Arbitration Commission. The Commission shall select the arbitrators, and may appoint such experts as it finds necessary in order to establish a base of factual and financial information for the case: *Provided further,* That if the Government of Honduras refuses to agree to binding international arbitration, then the $20,000,000 shall be deobligated and immediately returned to the Treasury of the United States: *Provided further,* That if the United States citizen refuses to agree to binding international arbitration and refuses to agree that the award resulting from the arbitration will constitute a full and final settlement of any and all claims, liabilities and demands, including those which may be directed at the United States, its officers, agents and employees, arising directly or indirectly from the establishment of the Regional Military Training Center, then the $20,000,000 shall be made available for expenditure to the Government of Honduras: *Provided further,* That arbitrators shall consider maintenance costs, interest costs, professional fee costs, land, business and asset valuations and all other matters they deem appropriate: *Provided further,* That nothing in this provision shall prevent the two parties prior to a final arbitration award from reaching a binding full and final written agreement outside the arbitration process: *Provided further,* That funds previously appropriated for the Economic support fund shall be used to pay for the reasonable costs of the activities of the factfinder, the International Arbitration Commission, the arbitrators, and the experts appointed by the arbitrators."

J. Mexico

1. Export-Import Bank Act of 1945 (Public Law 79-173), as amended, added by Sec. 619(a) of the Export-Import Bank Act Amendments of 1983 (Public Law 98-181), Sec. 13

SPECIAL FACILITIES IN SUPPORT OF UNITED STATES EXPORTS

Sec. 13.[78] The Bank is authorized to establish general facilities consisting of guarantees and insurance in support of export transactions to Brazil in the aggregate amount of $1,500,000,000 and to Mexico in the aggregate amount of $500,000,000. No such guarantees may be made, or insurance issued, after March 31, 1985.

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[76] 12 U.S.C. 635h. As amended and restated by Public Law 83-779 (68 Stat. 112), Public Law 90-267 changed the name of the bank to "Export-Import Bank of the United States."

[77] 12 U.S.C. 635i. Sec. 12 was added by sec. 4 of Public Law 80-89 (61 Stat. 131).

[78] 12 U.S.C. 635i-1. Sec. 13 was added by sec. 619(a) of the Export-Import Bank Act Amendments of 1983 (title VI of Public Law 98-181; 97 Stat. 1260).

2. Joint Resolution To Authorize Participation by the United States in Parliamentary Conferences With Mexico (Public Law 86-420, April 9, 1960), as amended

Mexico-United States Interparliamentary Group

Public Law 86–420 [H.J. Res. 283], 74 Stat. 40; 22 U.S.C. 276h-276k, approved April 9, 1960; as amended by Public Law 94–350 [S. 3168], 90 Stat. 823, approved July 12, 1976; and by Public Law 95–45 [H.R. 5040], 91 Stat. 222, approved June 15, 1977

JOINT RESOLUTION To authorize participation by the United States in parliamentary conferences with Mexico.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually with representatives of the Chamber of Deputies and Chamber of Senators of the Mexican Congress for discussion of common problems in the interests of relations between the United States and Mexico. Of the Members of the Congress to be appointed for the purposes of this resolution (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the International Relations[1] Committee), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate[2] from Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee). Such appointments shall be for the period of each meeting of the Mexico-United States Interparliamentary group except for the four members of the International Relations[1] Committee, and the four members of the Foreign Relations Committee, whose appointment shall be for the duration of each Congress. The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee.[3]

Sec. 2. An appropriation of $50,000[4] annually is authorized, $25,000[4] of which shall be for the House delegation and $25,000[4] for the Senate delegation, or so much thereof as may be necessary to assist in meeting the expenses of the United States group of the Mexico-United States Interparliamentary group for each fiscal year for which an appropriation is made, the House and Senate portions of such appropriation to be disbursed on vouchers to be approved

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[1] Sec. 4(b) of Public Law 95–45 (91 Stat. 222) substituted "International Relations" in lieu of "Foreign Affairs".

[2] Sec. 4(b)(1) of Public Law 95–45 (91 Stat. 222) added the words "upon recommendations of the majority and minority leaders of the Senate."

[3] This sentence was added by sec. 4(b)(3) of Public Law 94–45 (91 Stat. 222).

[4] Sec. 118(b) of the Foreign Relations Authorization Act Fiscal Year 1977 (Public Law 94–350) substituted "$50,000" and "$25,000" in lieu of "$30,000" and "$15,000" respectively.

by the Chairman of the House delegation and the Chairman of the Senate delegation, respectively.

Sec. 3. The United States group of the Mexico-United States Interparliamentary group shall submit to the Congress a report for each fiscal year for which an appropriation is made including its expenditures under such appropriation.

Sec. 4. The certificate of the Chairman of the House delegation or the Senate delegation of the Mexico-United States Interparliamentary group shall hereafter be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group of the Mexico-United States Interparliamentary group.

3. American-Mexican Chamizal Convention Act of 1964 (Public Law 88-300, April 29, 1964)

Public Law 88-300, 88th Congress, S. 2394, approved April 29, 1964

AN ACT To facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American-Mexican Chamizal Convention Act of 1964."

In connection with the convention between the United States of America and the United Mexican States for the solution of the problem of the Chamizal, signed August 29, 1963, the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized—

a. to conduct technical and other investigations relating to: the demarcation or monumentation of the boundary between the United States and Mexico; flood control; water resources; sanitation and prevention of pollution; channel relocation, improvement, and stabilization; and other matters related to the new river channel.

b. to acquire by donation, purchase, or condemnation, all lands required—

(1) for transfer to Mexico as provided in said convention;

(2) for construction of that portion of the new river channel and the adjoining levee in the territory of the United States;

(3) for relocation of highways, roadways, railroads, telegraph, telephone, electric transmission lines, bridges, related facilities, and any publicly owned structure or facility, the relocation of which, in the judgment of the said Commissioner, is necessitated by the project.

c. For the purpose of effecting said relocations—

(1) to perform any or all work involved in said relocations;

(2) to enter into contracts with the owners of properties to be relocated whereby they undertake to acquire any or all properties needed for said relocations, or undertake to perform any or all work involved in said relocations;

(3) to convey or exchange properties acquired or improved by the United States under this Act or under said convention, with or without improvements, or to grant term or perpetual easements therein or thereover.

Sec. 2. The United States Commissioner is authorized to construct operate, and maintain all works provided for in said convention and this Act, and to turn over the operation and maintenance of any such works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

Sec. 3. The United States Commissioner, under regulations approved by the Secretary of State, and upon application of the owners and tenants of lands to be acquired by the United States to fulfill and accomplish the purposes of said convention, and to the extent administratively determined by the Commissioner to be fair and reasonable, is authorized to—

a. Reimburse the owners and tenants for expenses and other losses and damages incurred by them in the process and as a direct result of such moving of themselves, their families, and their possessions as is occasioned by said acquisition: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of its fair value, as determined by the Commissioner. No payment under this subsection shall be made unless application therefor is supported by an itemized and certified statement of the expenses, losses, and damages incurred.

b. Compensate the said owners and tenants for identifiable, reasonable, and satisfactorily proved costs and losses to owners and tenants over and above those reimbursed under the foregoing subsection in the categories hereinafter provided, and for which purpose there shall be established by the Commissioner a board of examiners, consisting of such personnel employed and compensation fixed as he deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended. Said board may hold hearings and shall examine submitted evidence and make determinations, subject to the Commissioner's approval, regarding all claims in said categories as follows:

(1) For properties—

(a) For nonconforming abodes and minimum forms of shelter for which there are no comparable properties on the market in the city of El Paso and concerning which fair marnet value would be inadequate to find minimum housing of equal utility, compensation to the owner up to an amount which when added to the market value allowed for his property, including land values, would enable purchase of minimum habitable housing of similar utility in another residential section of said city.

(b) For commercial properties for which there are no comparable properties on the market in or near El Paso, Texas, compensation to the owner up to an amount which, when added to the total fair market value, including the land value, would compensate the owner for the "value in use" of the real estate to him. Such "value in use" is to be determined on the basis of replacement cost less deterioration and obsolescence in existing real estate and taking into consideration factors bearing upon income attributable to the real estate.

(2) For loss in business—

(a) Loss of profits directly resulting from relocation, limited to the period between termination of business in the old location and commencement of business in the new, such period not to exceed thirty days.

(b) Loss to owner resulting from inability to rent to others housing or commercial space that can be reasonably related to uncertainties arising out of the pending acquisition of the owner's property by the United States, such losses limited to those incurred after July 18, 1963, and prior to the making by the United States of a firm offer to purchase.

(3) For penalty costs to property owners for prepayment of mortgages incident to acquisition of the properties by the United States.

Sec. 4. Application for reimbursement or compensation under section 3 of this Act shall be submitted to the Commissioner within either one year from the date of acquisition or the date of vacating the premises by the applicant, whichever date is later. Applications not submitted within said period shall be forever barred.

Sec. 5. The Commissioner, in rendering an award in favor of any claimant under section 3 of this Act, may, as part of such award, determine and allow reasonable attorneys' fees which shall not exceed 10 per centum of the amount awarded, to be paid out of but not in addition to the amount of award, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed by the terms of this section, if award be made, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

Sec. 6. Payments to be made as herein provided shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law. The means employed to acquire the property, whether by condemnation or otherwise, shall not affect eligibility for reimbursement or compensation under this Act. Nothing contained in this Act shall be construed as creating any legal right or cause of action against the United States or as precluding the exercise by the Government of the right of eminent domain or any other right or power that it may have under this or any other law; nor shall this Act be considered as precluding an owner or tenant from asserting any rights he may have under other laws or the Constitution of the United States.

Sec. 7. No amount received as an award under subsection a. and subsection b. (1) and (3) of section 3 of this Act shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.). However, amounts received under subsection b. (1) shall be included in gross income to the extent that such amounts are not listed within one year of the receipt thereof to purchase replacement housing or facilities.

Sec. 8. As used in this Act, the term "land" shall include interests in land, and the term "fair value" shall mean fair value of the interest acquired. The provisions of this Act shall be exempt from the operations of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001–1011).

Sec. 9. There are authorized to be appropriated to the Department of State for the use of the United States section of said Commission not to exceed $44,900,000 to carry out the provisions of said convention and this Act and for transfer to other Federal agencies to accomplish by them or other proper agency relocation of their facilities necessitated by the project. Of the appropriations authorized by this section, not to exceed $4,200,000 may be used to carry out the provisions of section 3 of this Act. The provisions of section 103 of the American-Mexican Treaty Act of 1950 (22 U.S.C. 277d-3) are hereby expressly extended to apply to the carrying out of the provisions of said convention and this Act.

4. International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329, June 30, 1976), as amended, Sec. 408

UNITED STATES CITIZENS IMPRISONED IN MEXICO

Sec. 408.[10] (a) The Congress, while sharing the concern of the President over the urgent need for international cooperation to restrict traffic in dangerous drugs, is convinced that such efforts must be consistent with respect for fundamental human rights. The Congress, therefore, calls upon the President to take steps to insure that United States efforts to secure stringent international law enforcement measures are combined with efforts to secure fair and humane treatment for citizens of all countries.

(b) The Congress requests that the President communicate directly to the President and Government of the Republic of Mexico, a nation with which we have friendly and cooperative relations, the continuing desire of the United States for such relations between our two countries and the concern of the United States over treatment of United States citizens arrested in Mexico.

(2)[11] * * * [Repealed—1978]

5. International Security and Development Cooperation Act of 1985 (Public Law 99-83, August 8, 1985), Sec. 717

SEC. 717. FACILITATING INTERNATIONAL COMMERCE THROUGH MEXICO.

(a) Finding.—Recognizing that increased levels of balanced international trade are an essential component in an economic development program for the region and that the United States has tradi-

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[10] 22 U.S.C. 2291 note.

[11] Par. (2), which had required periodic reports from the Secretary of State concerning progress toward full respect for human and legal rights of U.S. citizens detained in Mexico, was repealed by sec. 29(b) of the International Security Assistance Act of 1978 (92 Stat. 747).

tionally been the most important trading partner for each of the nations of Latin America, it is the sense of the Congress that current procedures and laws of the Government of Mexico, and practices of its officials, constitute a significant impediment to the transit of vehicles carrying the commodities of international trade through Mexican territory.

(b) NEGOTIATIONS AND COOPERATIVE STEPS CONCERNING TRANSIT.—As the Government of Mexico has played a valuable role in assisting and encouraging the economic and political development of the region, and in offering advice to the United States as to constructive policies this nation might pursue with respect to peace and prosperity in the area, the Secretary of State, acting independently or with representatives of other Latin America nations, shall initiate negotiations with the Government of Mexico aimed at eliminating or reducing those impediments to international trade. The agenda for such negotiations should include discussions to encourage the Government of Mexico to accede to existing international custom conventions on international in-transit shipments. Such actions are to be taken in concert with the institution by the United States, and the nations of the region where the transiting shipments originate, of appropriate and cooperative steps to make sealed-truck, no-inspection transit administratively acceptable to the Government of Mexico and other transited countries. Similar bilateral or multilateral negotiations by the Secretary of State with nations respecting the same international customs conventions is also encouraged.

(c) REPORT.—The Secretary of State shall report the status of these negotiations to Congress by January 1, 1986.

6. Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93, August 16, 1985)

SEC. 134. RECOMMENDATION OF A TRAVEL ADVISORY ON THE STATE OF JALISCO, MEXICO.

(a) VIOLENCE AGAINST AMERICANS.—The Congress—

(1) deplores the brutal murder of Drug Enforcement Administration agent Enrique Camarena Salazar, and the abduction and disappearance of numerous other Americans, including John Clay Walker, Alberto Radelat, Dennis Carlson, Rose Carlson, Benjamin Mascarenas, and Patrica Mascarenas; and

(2) finds that the violence perpetrated by drug traffickers in Mexico constitute a danger to the safety of United States citizens living and traveling in the State of Jalisco, Mexico.

(b) TRAVEL ADVISORY.—The Congress, therefore, recommends that the Secretary of State issue a travel advisory warning United States citizens of the current dangers of traveling in the State of Jalisco, Mexico. Such travel advisory should remain in effect until those responsible for the abduction or murder of any of the United States citizens referred to in subsection (a)(1) have been brought to trial and a verdict has been obtained.

(c) [19] REPORT.—Not later than 90 days after the date of the enactment of this Act and each 90 days thereafter, the Secretary of State shall transmit a written report to the Congress on the progress made in investigating, and prosecuting those responsible for, the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar and the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior, the investigations of the disappearance of United States citizens, and the general safety of United States tourists in Mexico.

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[19] Sec. 802 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1331) inserted the words beginning with "progress made in investigating" and ending in "Victor Cortez, Junior" in lieu of the words "progress made in the Camarena case".

K. Nicaragua

1. Foreign Assistance Act of 1961 (Public Law 87-195), as amended, added by Sec. 2 of the Special Central American Assistance Act of 1979 (Public Law 96-257, May 31, 1980)

Sec. 533.[388] Central American Economic Support.—(a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in Nicaragua has caused great human suffering and disruption to the economy of that country, and that substantial external assistance to Nicaragua is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. The Congress further finds that peaceful and democratic development in certain other Central American countries will be significantly assisted by additional economic support at this time.

(b) In furnishing assistance under this chapter to the Government of Nicaragua, the President shall take into account the extent to which that Government has engaged in violations of the right to organize and operate labor unions free from political oppression, has engaged in or permitted violations of human rights, has engaged in violations of the right to freedom of the press, or has engaged in violations of the right to freedom of religion.

(c) The President shall encourage the Government of Nicaragua to respect the right to freedom of the press, the right to organize and operate free labor unions, the right to freedom of religion, as well as all other fundamental human rights.

(d) The Congress reaffirms the requirement of section 502B(a)(1) of this Act that a principal goal of the foreign policy of the United States shall be to promote the increased observance of internation-

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[388] 22 U.S.C. 2346b. The Central American Economic Support was originally added as Sec. 536 by Public Law 96-257 (94 Stat. 422). It was redesignated as Sec. 533 and amended with a series of primarily technical changes by Sec. 202 of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3142). One substantive change made by Sec. 202 concerned the striking of a subsection which had authorized $80 million for the purposes of this section during fiscal year 1980. The Supplemental Appropriations and Recission Bill, 1980 (Public Law 96-304; 94 Stat. 873), appropriated the full $80 million but stipulated that the funds could not be obligated until October 1. 1980.

Sec. 201 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 210), replaced secs. 531 and 532, amended and redesignated secs. 535 as 533, and repealed all other sections regarding earmarking of funds for specific regions or purposes.

ally recognized human rights by all countries. In furtherance of the goal, assistance to Nicaragua for the fiscal year 1981 under this chapter shall be terminated, in accordance with sections 116 and 502B of this Act, if the Government of Nicaragua engages in a consistent pattern of gross violations of internationally recognized human rights.

(e) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each 6-month period in which funds are expended under this chapter for Nicaragua for the fiscal year 1981. Each such report shall discuss fully and completely the status of respect in Nicaragua for human rights, political pluralism, freedom of the press and assembly, freedom of religion, and freedom of labor to organize and bargain collectively.

(f) Prior to releasing any assistance to the Government of Nicaragua under this chapter, the President shall transmit a certification to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Nicaragua has not cooperated with or harbored any international terrorist organization or is not aiding, abetting, or supporting acts of violence or terrorism in other countries. In the event that the President transmits such a certification, but at a later date he determines that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries, the President shall terminate assistance to the Government of Nicaragua under this chapter and the outstanding balance of any loan to the Government of Nicaragua, or any of its agencies or instrumentalities, with funds authorized to be appropriated by this chapter shall become immediately due and payable.

(g) It is the sense of the Congress that the United States should support those traditionally faithful allies of the United States which are responsible members of the Organization of American States including Guatemala, El Salvador, Costa Rica, Nicaragua, Panama, and Honduras, against terrorism and external subversion.

(h) Funds made available under this chapter for the National School of Agriculture in Nicaragua shall be used under an understanding with the Autonomous National University of Nicaragua that the National School of Agriculture will cooperate in programs with United States institutions of higher education.

(i) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that at least 60 per centum of such loan funds, and any local currency generated in conjunction therewith, shall be used for assistance to the private sector. Insofar as practicable, local currency used for assistance to the private sector in Nicaragua shall, consistent with the accomplishment of the purposes set forth in subsection (a) of this section, be used in ways which will strengthen private financial institutions which will help the private sector in Nicaragua financially independent. Local currency loan programs in Nicaragua shall be monitored and audited in accordance with section 624(g) of this Act. The President shall report on the implementation of this subsection in the report required under subsection (e) of this section.

(j) The President shall terminate assistance to the Government of Nicaragua under this chapter if he determines and reports to the Congress that Soviet, Cuban, or other foreign combat military forces are stationed or situated within the borders of Nicaragua and that the presence of such forces constitutes a threat to the national security of the United States or to any Latin American ally of the United States.

(k) The President shall terminate assistance to Nicaragua under this chapter for the fiscal year 1981 if he determines that the Government of Nicaragua has engaged in a consistent pattern of violations of the right to organize and operate labor unions free from political oppression.

(l) The President shall encourage the holding of free, open elections in Nicaragua within a reasonable period of time and shall, in providing any additional assistance to Nicaragua, take into consideration the progress which is being made toward holding such elections.

(m) None of the funds made available for Nicaragua under this chapter may be used for assistance for any school or other educational instrumentality or facility which would house, employ or be made available to Cuban personnel.

(n) The President shall terminate assistance to Nicaragua under this chapter if he determines that the Government of Nicaragua engages in systematic violations of free speech and press.

(o) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that such loan funds shall be used for the purchase of goods or services of United States origin.

(p) Up to one percent of the funds made available to Nicaragua under this chapter for the fiscal year 1981 shall be used to make publicly known to the people of Nicaragua the extent of United States aid programs to them. The President shall periodically report to the Congress on the effectiveness of his efforts to carry out this subsection.

2. International Security and Development Cooperation Act of 1980 (Public Law 96-533, December 16, 1980), Sec. 119

PROHIBITION ON MILITARY ASSISTANCE TO NICARAGUA

Sec. 119.[64] None of the funds authorized to be appropriated by this title shall be made available for any aid or assistance to Nicaragua.

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[64] 22 U.S.C. 2151 note.

3. International Security and Development Cooperation Act of 1981 (Public Law 97-113, December 29, 1981), Sec. 724

NICARAGUA

Sec. 724. (a) In furnishing assistance under this Act to the Government of Nicaragua, the President shall take into account the extent to which that Government has engaged in violations of internationally recognized human rights (including the right to organize and operate labor unions free from political oppression, the right to freedom of the press, and the right to freedom of religion) and shall encourage the Government of Nicaragua to respect those rights.

(b) In furnishing assistance under this Act to the Government of Nicaragua, the President shall take into account the extent to which that Government has fulfilled its pledge of July 1979 to the member states of the Organization of American States—

(1) to establish full respect for human rights in Nicaragua in accordance with the United Nations Universal Declaration of the Rights and Duties of Man and the Charter on Human Rights of the Organization of American States;

(2) to allow the free movement in Nicaragua of the Inter-American Commission on Human Rights; and

(3) to establish the framework for free and democratic elections so that the people of Nicaragua may elect their representatives to city councils, to constitutional assembly, and to Nicaragua's highest-ranking authorities, with such framework to include, but not be limited to, the full and complete opportunity for political activity of the Nicaraguan people.

(c) Assistance to the Government of Nicaragua under this Act shall be terminated if the President determines and reports to the Congress that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries, or that Soviet, Cuban, or other foreign combat military forces are stationed or situated within the borders of Nicaragua and the presence of such forces constitutes a threat to the national security of the United States or to any Latin American ally of the United States.

(d) Any agreement between the United States and the Government of Nicaragua regarding the use of funds appropriated to carry out this Act, which are to be made available in the form of loans, shall specifically require that to the maximum extent possible such loan funds, and any local currency generated in conjunction therewith, shall be used for assistance to the private sector. Local currency loan programs in Nicaragua shall be monitored and audited in accordance with section 624(g) of the Foreign Assistance Act of 1961.

(e) For each six-month period in which any funds are expended under this Act for Nicaragua, the President shall submit to the

Speaker of the House of Representatives, and the chairman of the Committee on Foreign Relations of the Senate, a report accounting fully and in itemized detail for the amounts obligated and actually expended in Nicaragua.

4. Department of Defense Appropriations Act, Sec. 101(c) of the Further Continuing Appropriations, 1983 (Public Law 97-377, December 21, 1982), Sec. 793

U.S. Involvement in Military Activities in Nicaragua—Fiscal Year 1983

Partial text of Public Law 97-377 [Further Continuing Appropriations Act, 1983; H.J. Res. 631], 96 Stat. 1830, approved December 21, 1982

A JOINT RESOLUTION Making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1983, and for other purposes, namely:

TITLE I

FURTHER CONTINUING APPROPRIATIONS ACT, 1983

Sec. 101. * * *

(c) Notwithstanding any other provision of this joint resolution, such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriation Act, 1983, at a rate of operations and to the extent and in the manner provided, to be effective as if it had been enacted into law as the regular appropriation Act, as follows:

AN ACT Making appropriations for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1983, for military functions administered by the Department of Defense, and for other purposes, namely:

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Sec. 793. None of the funds provided in this Act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

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5. Department of Defense Appropriations Act for Fiscal Year 1984 (Public Law 98-212, December 8, 1983), Sec. 775

U.S. Involvement in Military or Paramilitary Operations in Nicaragua—Fiscal Year 1984

Partial text of Public Law 98-212 [H.R. 4185], 97 Stat. 1421, approved December 8, 1983, H.R. 4185

AN ACT Making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984, for military functions administered by the Department of Defense, and for other purposes, namely:

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TITLE VII

GENERAL PROVISIONS

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SEC. 775. During fiscal year 1984, not more than $24,000,000 of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expanded for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

6. Intelligence Authorization Act for Fiscal Year 1984 (Public Law 98-215, December 9, 1983), Sec. 108 and Sec. 109

Covert Assistance for Military Operations in Nicaragua—Fiscal Year 1984

Partial text of Public Law 98-215 [Intelligence Authorization Act for Fiscal Year 1984; H.R. 2968], 97 Stat. 1473, approved December 9, 1983

AN ACT To authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1984".

TITLE I—INTELLIGENCE ACTIVITIES

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LIMITATION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

Sec. 108.[1] During fiscal year 1984, not more than $24,000,000 of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

CONGRESSIONAL FINDINGS

Sec. 109. (a) The Congress finds that—

(1) the Government of National Reconstruction of Nicaragua has failed to keep solemn promises, made to the Organization of American States in July 1979, to establish full respect for human rights and political liberties, hold early elections, preserve a private sector, permit political pluralism, and pursue a foreign policy of nonaggression and nonintervention;

(2) by providing military support (including arms, training, and logistical, command and control, and communications facilities) to groups seeking to overthrow the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated article 18 of the Charter

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[1] Sec. 775 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212) provides the following:

"Sec. 775. During fiscal year 1984, not more than $24,000,000 of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual."

of the Organization of American States which declares that no state has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state;

(3) the Governments of Nicaragua should be held accountable before the Organization of American States for activities violative of promises made to the Organization and for violations of the Charter of that Organization; and

(4) working through the Organization of American States is the proper and most effective means of dealing with threats to the peace of Central America, of providing for common action in the event of aggression, and of providing the mechanisms for peaceful resolution of disputes among the countries of Central America.

(b) The President should seek a prompt reconvening of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States for the purpose of reevaluating the compliance by the Government of National Reconstruction of Nicaragua—

(1) with the commitments made by the leaders of that Government in July 1979 to the Organization of American States; and

(2) with the Charter of the Organization of American States.

(c) The President should vigorously seek actions by the Organization of American States that would provide for a full range of effective measures by the member states or bring about compliance by the Government of National Reconstruction of Nicaragua with those obligations, including verifiable agreements to halt the transfer of military equipment and to cease furnishing of military support facilities to groups seeking the violent overthrow of governments of countries in Central America.

(d) The President should use all diplomatic means at his disposal to encourage the Organization of American States to seek resolution of the conflicts in Central America based on the provisions of the Final Act of the San Jose Conference of October 1982, especially principles (d), (e), and (g), relating to nonintervention in the internal affairs of other countries, denying support for terrorist and subversive elements in other states, and international supervision of fully verifiable arrangements.

(e) The United States should support measures at the Organization of American States as well as efforts of the Contadora Group, which seek to end support for terrorist, subversive, or other activities aimed at the violent overthrow of the government of countries in Central America.

(f) Not later than March 15, 1984, the President shall report to the Congress on the Results of his efforts pursuant to this Act to achieve peace in Central America. Such report may include such recommendations as the President may consider appropriate for further United States actions to achieve this objective.

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7. Deficit Reduction Act of 1984
(Public Law 98-369, July 18, 1984)
Sec. 2907

Mining of Nicaraguan Ports

Partial text of Public Law 98-369 [Deficit Reduction Act of 1984; H.R. 4170], 98 Stat. 494 at 1210, approved July 18, 1984

AN ACT To provide for tax reform, and for deficit reduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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MINING OF NICARAGUAN PORTS

Sec. 2907. It is the sense of the Congress that no funds heretofore or hereafter appropriated in any Act of Congress shall be obligated or expended for the purposes of planning, directing, executing, or supporting the mining of the ports or territorial waters of Nicaragua.

8. Department of Defense Appropriations Act, 1985, Continuing Resolution for Fiscal Year 1985 (Public Law 98-473, October 12, 1984), Sec. 8066

U.S. Involvement in Military or Paramilitary Operations in Nicaragua—Fiscal Year 1985

Partial text of Public Law 98-473 [Continuing Appropriations Act, 1985; H.J. Res. 648], 98 Stat. 1837 at 1935, approved October 12, 1984

A JOINT RESOLUTION Making continuing appropriations for the fiscal year 1985, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1985, and for other purposes, namely:

Sec. 101. * * *

(h) Such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriation Act, 1985, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriation Act:

AN ACT Making appropriations for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes.

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Sec. 8066. (a) During fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose of which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

(b) The prohibition concerning Nicaragua contained in subsection (a) shall cease to apply if, after February 28, 1985—

(1) the President submits to Congress a report—

(A) stating that the Government of Nicaragua is providing materiel or monetary support to anti-government forces engaged in military or paramilitary operation in El Salvador or other Central American countries;

(B) analyzing the military significance of such support;

(C) stating that the President has determined that assistance for military or paramilitary operations prohibited by subsection (a) is neccessary;

(D) justifying the amount and type of such assistance and describing its objectives; and

(E) explaining the goals of United States policy for the Central American region and how the proposed assistance would further such goals, including the achievement of peace and security in Central America through a comprehensive, verifiable and enforceable agreement based upon the Contadora Document of Objectives; and

(2) a joint resolution approving assistance for military or paramilitary operations in Nicaragua is enacted.

(c)(1) For the purpose of subsection (b)(2), "joint resolution" means only a joint resolution introduced after the date on which the report of the President under subsection (b)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the obligation and expenditure of funds available for Fiscal Year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.".

(2) The report described in subsection (b)(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(3) A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on Appropriations of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Appropriations of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(4) If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction, such committee shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(5)(A) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of, a resolution described in paragraph (1), notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly priviledged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate and the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(6) If, before the passage by the Senate of a resolution of the Senate described in paragraph (1), the Senate receives from the House of Representatives a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the House of Representatives shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the Senate—

(i) the procedure in the Senate shall be the same as if no resolution had been received from the House; but

(ii) the vote on final passage shall be on the resolution of the House.

(C) Upon disposition of the resolution recevied from the House, it shall no longer be in order to consider the resolution originated in the Senate.

(7) If the Senate receives from the House of Representatives a resolution described in paragraph (1) after the Senate has disposed of a Senate originated resolution, the action of the Senate with regard to the disposition of the Senate originated resolution shall be deemed to be the action of the Senate with regard to the House originated resolution.

(8) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House repectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supercedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(d) During Fiscal Year 1985 funds approved by the resolution described in subsection (b)(2) for the purpose of supporting, directly or indirectly, military or paramilitary operations in Nicaragua, shall not exceed $14,000,000.

9. Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618, November 8, 1984), Sec. 801

Activities in Nicaragua—Fiscal Year 1985

Partial text of Public Law 98–618 [H.R. 5399], 98 Stat. 3298 approved November 8, 1984

AN ACT To authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1985".

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TITLE VIII—ACTIVITIES IN NICARAGUA

MILITARY OR PARAMILITARY ACTIVITIES

Sec. 801. No funds authorized to be appropriated by this Act or by the Intelligence Authorization Act for fiscal year 1984 (Public Law 98-215) may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except to the extent provided and under the terms and conditions specified by House Joint Resolution 648, making continuing appropriations for the fiscal year 1985, and for other purposes, as enacted.[1]

10. International Security and Development Cooperation Act of 1985 (Public Law 99-83, August 8, 1985), As Amended By Sec. 111 of the Continuing Appropriations for 1988 (Public Law 100-202, December 22, 1987)

Partial text of Public Law 99-83 [International Security and Development Cooperation Act of 1985, S. 960], 99 Stat. 190 at 249, approved August 8, 1985, as amended by Public Law 100-202 [Sec. 111 of the Continuing Appropriations for 1988, H.J. Res. 395] 101 Stat. 1329, approved December 22, 1987

AN ACT To authorize international development and security assistance programs and Peace Corps programs for fiscal years 1986 and 1987, and for other purposes.

Be it enacted by the Senate and House, of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 722. NICARAGUA.

(a) SETTLEMENT OF THE CONFLICT.—The Congress—

(1) strongly supports national reconciliation in Nicaragua and the creation of a framework for negotiating a peaceful settlement to the Nicaraguan conflict; and

(2) finds that the United States should, in assisting efforts to reach comprehensive and verifiable final agreements based on the Contadora Document of Objectives, encourage the Government of Nicaragua to pursue a dialogue with the armed opposition forces and their political representatives for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections.

(b) UNITED STATES CONCERNS ABOUT NICARAGUAN FOREIGN AND DOMESTIC POLICIES.—The Congress finds and declares the following:

(1) Despite positive actions by the Congress signaling support for negotiated solutions to conflicts in Central America, there are disturbing trends in Nicaragua's foreign and domestic policies, including—

(A) President Daniel Ortega's April 1985 trip to the Soviet Union at a time when the Congress signaled its strong disapproval of increasing Nicaraguan-Soviet ties;

(B) the Sandinista government's close military ties with Cuba, the Soviet Union, and its Warsaw Pact allies; the disappointing and insufficient reduction of the number of Cuban advisors in Nicaragua by only 100 out of an approximately 2,500; and the continuing military buildup that Nicaragua's neighbors consider threatening;

(C) the Sandinista government's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media;

(D) the subordination of military, judicial, and internal security functions to the ruling political party; and

(E) the Sandinista government's efforts to export its influence and ideology.

(2) If Nicaragua does not address the concerns described in paragraph (1), the United States has several options to address this challenge to peace and stability in the region, including political, diplomatic, and trade sanctions. In addition, the United States—

(A) should through appropriate regional organizations, such as the Organization of American States, seek to maintain multilateral pressure on Nicaragua to address these concerns; and

(B) should, if called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization.

(3) In assessing whether or not progress is being made in addressing these concerns, the Congress will expect prompt and signifianct initiatives by the Government of Nicaragua such as—

(A) the removal of foreign militatry advisors from Nicaragua;

(B) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to the rebel forces fighting the domocratically elected government in El Salvador;

(C) restoration of individual liberties, political expression, freedom of worship, and the independence of the media; and

(D) progress toward internal reconciliation and a pluralistic democratic system, including steps to liberalize institutions in order to allow the internal opposition in Nicaragua to become a viable partner in the Nicaragua political process.

(c) RESOLUTION OF THE CONFLICTS IN NICARAGUA.—

(1) BASIS FOR POLICY.—The Congress finds that—

(A) the people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, has thrown the country into a serious political, social and economic upheaval, and is of serious concern to the nations of the region and to the United States;

(B) this conflict is fundamentally a continuation of efforts of the Nicaraguan people to attain a representative government at peace with its neighbors, efforts which began under the Somoza regime; and

(C) the United States recognized these noble aspirations of the Nicaraguan people in the June 23, 1979, resolution of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States which reads as follows:

"WHEREAS:

"The people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, and has thrown the country into a serious political, social and economic upheaval;

"The inhumane conduct of the dictatorial regime governing the country, as evidenced by the report of the Inter-American

Commission on Human Rights, is the fundamental cause of the dramatic situation faced by the Nicaraguan people; and

"The spirit of solidarity that guides Hemisphere relations places an unavoidable obligation on the American countries to exert every effort within their power, to put an end to the bloodshed and to avoid the prolongation of this conflict which is disrupting the peace of the Hemisphere;

"THE SEVENTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

"DECLARES:

"That the solution of the serious problem is exclusively within the jurisdiction of the people of Nicaragua.

"That in the view of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs this solution should be arrived at on the basis of the following:

"1. Immediate and definitive replacement of the Somoza regime.

"2. Installation in Nicaraguan territory of a democratic government, the composition of which should include the principal representative groups which oppose the Somoza regime and which reflects the free will of the people of Nicaragua.

"3. Guarantee of the respect for human rights of all Nicaraguans without exception.

"4. The holding of free elections as soon as possible, that will lead to the establishment of a truly democratic government that guarantees peace, freedom, and justice.

"RESOLVES:

"1. To urge the member states to take steps that are within their reach to facilitate an enduring and peaceful solution of the Nicaraguan problem on the bases set forth above, scrupulously respecting the principle of nonintervention and abstaining from any action that might be in conflict with the above bases or be incompatible with a peaceful and enduring solution to the problem.

"2. To commit their efforts to promote humanitarian assistance to the people of Nicaragua and to contribute to the social and economic recovery of the country.

"3. To keep the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs open while the present situation continues.".

(2) THE GOVERNMENT OF NICARAGUA.—The Congress further finds that—

(A) the Government of National Reconstruction of Nicaragua formally accepted the June 23, 1979, resolution as a basis for resolving the Nicaraguan conflict in its "Plan to Achieve Peace" which was submitted to the Organization of American States on July 12, 1979;

(B) The June 23, 1979, resolution and its acceptance by the Government of National Reconstruction of Nicaragua was the formal basis for the removal of the Somoza regime and the installation of the Government of National Reconstruction;

(C) the Government of National Reconstruction, now known as the Government of Nicaragua and controlled by the Frente Sandinista (the FSLN), has flagrantly violated the provisions of the June 23, 1979, resolution, the rights of the Nicaraguan people, and the security of the nations in the region, in that it—

(i) no longer includes the democratic members of the Government of National Reconstruction in the political process;

(ii) is not a government freely elected under conditions of freedom of the press, assembly, and organization, and is not recognized as freely elected by its neighbors, Costa Rica, Honduras, and El Salvador;

(iii) has taken significant steps towards establishing a totalitarian Communist dictatorship, including the formation of FSLN neighborhood watch committees and the enactment of laws that violate human rights and grant undue executive power;

(iv) has committed atrocities against its citizens as documented in reports by the Inter-American Commission on Human Rights of the Organization of American States;

(v) has aligned itself with the Soviet Union and Soviet allies, including the German Democratic Republic, Bulgaria, Libya, and the Palestine Liberation Organization;

(vi) has committed and refuses to cease aggression in the form of armed subversion against its neighbors in violation of the Charter of the United Nations, the Charter of the Organization of American States, the Inter-American Treaty of Reciprocal Assistance, and the 1965 United Nations General Assembly Declaration on Intervention; and

(vii) has built up an army beyond the needs of immediate self-defense, at the expense of the needs of the Nicaraguan people and about which the nations of the region have expressed deepest concern.

(3) THE NICARAGUAN DEMOCRATIC OPPOSITION.—The Congress further finds that—

(A) as a result of these violations, the Government of Nicaragua has lost the support of virtually all independent sectors of Nicaraguan society who initially supported the removal of the Somoza regime (including democratic political parties of the left, center, and right; the leadership of the Church; free unions; and the business, farmer, and professional sectors) and who still seek democracy, reject the rule of the Frente Sandinista, and seek the free elections promised in 1979;

(B) the Nicaraguan political opposition has joined with the armed opposition groups in issuing the San Jose Manifesto of March 1, 1985, calling for a national dialogue under mediation by the Nicaraguan Bishops Conference to peacefully attain the fulfillment of the Government of Nicaragua's commitments to the Organization of American

States, including "the Democratization of Nicaragua, conscious that democracy is the only means to carry out an authentic revolution and secure our national identity and sovereignty";

(C) on June 12, 1985, in San Salvador, El Salvador, the political and armed opposition groups representing the entire democratic political spectrum of Nicaragua formed the Unified Nicaraguan Opposition and affirmed their "historical commitment to achieve for Nicaragua the reconciliation of her children, to establish the foundation for democracy and the moral and material reconstruction of the nation": and

(D) the United Nicaraguan Opposition further declared its intention to "give priority at all times to a political solution which will ease the suffering of our people".

(4) CONCERNS IN THE REGION AND UNITED STATES RESPONSIBILITIES.—The Congress further finds that—

(A) Nicargua's neighbors, Costa Rica, El Salvador, and Honduras, have expressed, individually and through the Contadora process, their belief that their peace and freedom is not safe so long as the Government of Nicaragua excludes from power most of Nicaragua's political leadership and is controlled by a small sectarian party, without regard to the will of the majority of Nicaraguans; and

(B) the United States, given its role in the installation of the current Government of Nicaragua, has a special responsibility regarding the implementation of the commitments made by that Government in 1979, especially to those who fought against Somoza to bring democracy to Nicaragua with United States support.

(5) RESOLUTION OF THE CONFLICT.—The Congress—

(A) condemns the Government of Nicaragua for violating its solemn commitments to the Nicaraguan people, the United States, and the Organization of American States;

(B) affirms that the Government of Nicaragua will be regarded as having achieved political legitimacy when it fulfills its 1979 commitment to the Organization of American States to implement genuinely democratic elections, under the supervision of the Organization of American States, in which all elements of the Nicaraguan resistance can peacefully participate under conditions recognized as necessary for free elections by international bodies;

(C) urges the Government of Nicaragua to enter a national dialogue, as proposed by the Nicaraguan democratic resistance in San Jose, Costa Rica, on March 1, 1985, under mediation by the Nicaraguan Bishops Conference in order to peacefully resolve the current crisis through internationally recognized elections to which all elements of Nicaraguan society can freely participate.

(D) supports the Nicaraguan democratic resistance in its efforts to peacefully resolve the Nicaraguan conflict and to achieve the fulfillment of the Government of Nicaragua's solemn commitments to the Nicaraguan people, the United States, and the Organization of American States;

(E) supports efforts by the Contadora nations, the Organization of American States, and other appropriate regional organizations to maintain multilateral pressure on Nicaragua to fulfill its commitments; and

(F) requests that the Secretary of State transmit the text of this subsection to the Foreign Ministers of the member states of the Organization of American States.

(d) PROHIBITION RELATING TO MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.—Nothwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act (except the funds authorized to be appropriated in this section), by the Foreign Assistance Act of 1961, or by the Arms Export Control Act shall be used to provide assistance of any kind, either directly or indirectly, to any person or group engaging in an insurgency or other act of rebellion against the Government of Nicaragua. The United States shall not enter into any arrangement conditioning, expressly or impliedly, the provision of assistance under this Act or the purchase of defense articles and services under the Arms Export Control Act upon the provision of assistance by a recipient to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

(e) LIMITATION ON USE OF FUNDS AGAINST NICARAGUA.—None of the funds authorized to be appropriated in this or any other Act can be used to fund directly, or indirectly, activities against the Government of Nicaragua which have not been authorized by, or pursuant to, law and which would place the United States in violation of our obligations under the Charter of the Organization of American States, to which the United States is a signatory, or under international law as defined by treaty commitments agreed to, and ratified by, the Government of the United States.

(f) FOOD AID TO THE NICARAGUAN PEOPLE.—In cooperation with Cardinal Miguel Obando y Bravo and private and voluntary organizations, the President should explore and promote means for providing food aid to the Nicaraguan people through private and voluntary organizations and the Catholic Church.

(g) HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.—(1) Effective upon the date of enactment of this Act, there are authorized to be appropriated $27,000,000 for humanitarian assistance to the Nicaraguan democratic resistance. Such assistance shall be provided to such department or agency of the United States as the President shall designate, except the Central Intelligence Agency or the Department of Defense.

(2) The assistance authorized by this subsection is authorized to remain available for obligation until March 31, 1986.

(3) One-third of the assistance authorized by this subsection shall be available for obligation at any time after the appropriation of funds pursuant to such authorization, an additional one-third shall be available for obligation upon submission of the first report required by subsection (j), and the remaining one-third shall be available for obligation upon submission of the second such report.

(4) The President shall establish appropriate procedures to ensure that any humanitarian assistance provided by the United States Government to the Nicaraguan democratic resistance is

used only for the intended purpose and is not diverted (through barter, exchange, or any other means) for acquisition of weapons, weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death.

(5) As used in subsection, the term, "humanitarian assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death.

(h) ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT.—Effective upon the date of enactment of this Act, there are authorized to be appropriated $2,000,000, which are authorized to remain available until expended, for payment by the Secretary of State for the expenses arising from implementation by the Contadora nations (Mexico, Panama, Colombia, and Venezuela) of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(i) POLICIES WITH RESPECT TO NICARAGUA.—The President is hereby urged and requested—

(1) to pursue vigorously the use of diplomatic and economic measures to resolve the conflict in Nicaragua, including simultaneous negotiations—

(A) to implement the Contadora Document of Objectives of September 9, 1983; and

(B) to develop, in close consultation and cooperation with other nations, trade and economic measures to complement such policies of the United States and to encourage the Government of Nicaragua to take the necessary steps to resolve the conflict;

(2) to suspend the economic sanctions imposed by the President on May 1, 1985, and the United States military maneuvers in Honduras and off the coast of Nicaragua, if the Government of Nicaragua agrees—

(A) to a cease fire,

(B) to open a dialogue with all elements of the opposition, including the Nicaraguan democratic resistance, and

(C) to suspend the state of emergency in Nicaragua;

(3) to call upon the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

(A) a church-mediated dialogue between the Government of Nicaragua and all elements of the opposition, including the Nicaraguan democratic resistance, in support of internal reconciliation as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

(j) REPORTS.—The President shall submit a report to the Congress 90 days after the date of enactment of this Act, and every 90 days thereafter, on any actions taken to carry out subsections (g) and (h). Each such report shall include—

(1) a detailed statement of any progress made in reaching a negotiated settlement referred to in subsection (i)(1), including the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate a settlement;

(2) a detailed accounting of the disbursements made to provide humanitarian assistance with the funds provided pursuant to subsection (g); and

(3) a discussion of the alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua, including a statement of the steps taken by the Nicaraguan democratic resistance to comply with the request referred to in subsection (i)(3).

(k) SUBMISSION OF REQUEST FOR ADDITIONAL ASSISTANCE FOR THE CENTRAL AMERICA PEACE PROCESS.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have produced an agreement, or show promise of producing an agreement, or

(2) other trade and economic measures will assist in a resolution of the conflict, or to stabilization in the region,

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the furtherance of the Central America peace process.

(l) STATEMENT TO BE INCLUDED.—The President's request pursuant to subsection (k) shall include a detailed statement as to progress made to resolve the conflict in the region.

(m) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (k), the President shall consult with the Congress.

(n) HOUSE PROCEDURES.—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (k).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (k)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Central America peace process that the President requested pursuant to the International Security and Development Cooperation Act of 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by

the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(o) SENATE PROCEDURES.—A joint resolution which is introduced in the Senate within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (k) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (k) shall be considered in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(1) references in such paragraphs to the Committees on Appropriations of the Senate shall be deemed to be references to the appropriate committee or committees of the Senate; and

(2) amendments to the joint resolution are in order.

(p) [1] * * * [Repealed—1987]

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[1] Subsec. (p) was repealed by sec. 111(m)(1) of the Continuing Appropriations Act, 1988 (Public Law 100-202, 101 Stat. 1329-441). It formerly read as follows:

"SUBMISSION OF REQUEST FOR ADDITIONAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.—If the President determines at any time after the enactment of this Act that—

"(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement, or

"(2) other trade and economic measures have failed to resolve the conflict the President may submit to the Congress a request for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance."

(q) Statement To Be Included.—The President's request pursuant to subsection (p) shall include a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(r) Consultation With the Congress.—In formulating a request pursuant to subsection (p), the President shall consult with the Congress.

(s) [2] * * * [Repealed—1987]

(t) [3] * * * [Repealed—1987]

(u) Congressional Rulemaking Powers.—Subsections (n), (o), (s), and (t) are enacted—

(1) as exercises of the rulemaking powers of the House of Representatives and Senate, and as such they are deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to

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[2] Subsec. (s) was repealed by sec. 111(m)(1) of the Continuing Appropriations Act, 1988 (Public Law 100-202, 101 Stat. 1329-441). It formerly read as follows:

"House Procedures.—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (p).

"(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (p)—

"(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to the International Security and Development Cooperation Act of 1985, notwithstanding section 10 of Public Law 91-672.";

"(B) which does not have a preamble; and

"(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.".

"(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

"(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

"(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points or order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

"(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

"(C) An amendment to the joint resolution is not in order.

"(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

"(6) As used in this subsection, the term "legislative day" means a day on which the House is in session."

[3] Subsec. (t) was repealed by sec. 111(m)(1) of the Continuing Appropriations Act, 1988 (Public Law 100-202). It formerly read as follows:

"Senate Procedures.—A joint resolution which is introduced in the Senate within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (p) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (p) shall be considered in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

"(1) references in such paragraphs to the Committees on Appropriations of the Senate shall be deemed to be references to the appropriate committee or committees of the Senate; and

"(2) amendments to the joint resolution are in order."

be followed in the House and the Senate in the case of joint resolutions under this section, and they supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

11. Supplemental Appropriations Act, 1985

(Public Law 99-88, August 15, 1985)
Chapter V Sec. 101 Sec. 102 Sec. 103
Sec. 104 Sec. 105 Sec. 106

Humanitarian Assistance for Nicaraguan Democratic Resistance and Assistance for Implementation of Contadora Agreement

Partial text of Pulic Law 99-88 [Supplemental Appropriations Act, 1985; H.R. 2577], 99 Stat. 293 at 324, approved August 15, 1985

AN ACT Making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of the money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, namely:

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CHAPTER V

FOREIGN ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

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HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE

For an additional amount for humanitarian assistance provided to such department or agency of the United States as the President shall designate, except the Central Intelligence Agency or the Department of Defense, to the Nicaraguan democratic resistance, $27,000,000 to remain available for obligation until March 31, 1986. Notwithstanding the Impoundment Control Act of 1974, one-third of the amount appropriated by this paragraph shall be available for obligation upon the enactment of this Act, an additional one-third shall be available for obligation upon submission of the first report required by section 104 of this chapter, and the remaining one-third shall be available for obligation upon submission of the second such report. As used in this paragraph, the term "humanitarian assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles or material which can be used to inflict serious bodily harm or death.

ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT

For payment by the Secretary of State for the expenses arising from implementation by the Contadora nations (Mexico, Panama, Colombia, and Venezuela) of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems, $2,000,000, to remain available until expended.

GENERAL PROVISION

Sec. 101. Funds appropriated by this chapter under the headings "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT" may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956 or any other comparable provisions of law.

Sec. 102. (a) The prohibitions contained in section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473) and section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall, without limitation as to fiscal year, apply with respect to funds appropriated by this chapter under the headings "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT"

(b) Nothing in this Act, section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473), or section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall be construed to prohibit the United States Government from exchanging information with the Nicaraguan democratic resistance, or the obligation and expenditure, but only for the purposes for which they are expressly made available, of the funds appropriated by this chapter under the headings " HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT".

Sec. 103. The President is urged—

(1) to vigorously pursue the use of diplomatic and economic steps to resolve the conflict in Nicaragua, including negotiations to—

(A) implement the Contadora Document of Objectives of September 9, 1983; and

(B) at the same time, develop trade and economic measures in close consultation and cooperation with other nations which will encourage the Government of Nicaragua to take the necessary steps to resolve the conflict;

(2) to suspend military maneuvers in Honduras and off Nicaragua's coast, and to lift the embargo on trade with Nicaragua, if the Government of Nicaragua agrees to a cease-fire, to open a dialog with the Nicaraguan democratic resistance and to suspend the state of emergency; and

(3) to resume bilateral discussions with the Government of Nicaragua with a view of encouraging—

(A) a church-mediated dialog between the Government of Nicaragua and the Nicaraguan democratic resistance in support of internal reconciliation, as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America based on the Contadora Document of Objectives.

Sec. 104. (a) The President shall submit a report to the Congress every 90 days on the activities carried out in accordance with section 103 and on the assistance provided under the paragraphs of this chapter headed "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT". Such reports shall describe the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate and the progress of efforts to achieve the objectives set out in paragraph (3) of section 103 and shall provide a detailed accounting of the disbursement of any such assistance.

(b) As part of each of the reports submitted pursuant to subsection (a), the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives, and to the Select Committee on Intelligence of the Senate, a report on alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua. With respect to the alleged violations the report shall include information on who is responsible for such human rights violations.

ADDITIONAL ASSISTANCE FOR THE CENTRAL AMERICA PEACE PROCESS

Sec. 105. (a) SUBMISSION OF REQUEST.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Ojectives of September 9, 1983, have produced an agreement, or show promise of producing an agreement; or

(2) other trade and economic measures will assist in a resolution of the conflict, or to stabilization in the region;

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the furtherance of the Central America peace process.

(b) STATEMENT TO BE INCLUDED.—The President's request shall include a detailed statement as to progress made to resolve the conflict in the region.

(c) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (a), the President shall consult with the Congress.

(d) CONGRESSIONAL ACTION.—(1) The provisions of this subsection apply, during the Ninety-ninth Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Central America peace process that the President requested pursuant to the Supplemental Appropriations Act, 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of that joint resolution. The motion is highly privileged and is in order even through a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed 10 hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the Rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

ADDITIONAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE

Sec. 106. (a) SUBMISSION OF REQUEST.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement; or

(2) other trade and economic measures have failed to resolve the conflict;

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance.

(b) STATEMENT TO BE INCLUDED.—The President's request shall include a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(c) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (a), the President shall consult with the Congress.

(d) CONGRESSIONAL ACTION.—(1) The provisions of this subsection apply, during the Ninety-ninth Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to the Supplemental Appropriations Act, 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed 10 hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the Rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other Rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

12. Intelligence Authorization Act for Fiscal Year 1986 (Public Law 99-169, December 4, 1985), Sec. 105

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. 105. (a) Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated and expended during fiscal year 1986 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or to section 106 of the Supplemental Appropriations Act, 1985 (Public Law 99-88).

(b) Nothing in this section precludes—

(1) administration, by the Nicaraguan Humanitarian Assistance Office established by Executive order 12530, of the program of humanitarian assistance to the Nicaraguan democratic

resistance provided for in the Supplemental Appropriations Act, 1985, or

(2) activities of the Department of State to solicit such humanitarian assistance for the Nicaraguan democratic resistance.

13. Department of Defense Appropriations Act, 1986 (Public Law 99-190, December 19, 1985), Sec. 8050

Partial text of Public Law 99-190 [H.J. Res. 465], 99 Stat. 1211, approved December 19, 1985

JOINT RESOLUTION making further continuing appropriations for the fiscal year 1986, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1986, and for other purposes, namely:

* * * * * * *

TITLE VIII

GENERAL PROVISIONS

* * * * * * *

Sec. 8050. None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended during fiscal year 1986 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 105 of the Intelligence Authorization Act (Public Law 99-169) for fiscal year 1986.

14. Department of Defense Authorization Act for Fiscal Year 1986 (Public Law 99-145, December 19, 1985), Sec. 1451

Sense of Congress on Introduction of Armed Forces Into Nicaragua

Partial text of Public Law 99-145 [S. 1160], 99 Stat. 760, approved November 8, 1985

AN ACT To authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for the Department of Defense for fiscal year 1986, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize appropriations for fiscal year 1986 for national security programs of the Department of Energy, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(A) Short Title.—This Act may be cited as the "Department of Defense Authorization Act, 1986."

(b) * * *

* * * * * * *

TITLE XIV—GENERAL PROVISIONS

Part E—Miscellaneous Provisions

SEC. 1451. SENSE OF CONGRESS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

It is the sense of Congress that United States Armed Forces should not be introduced into or over Nicaragua for combat. However, nothing in this section shall be construed as affecting the authority and responsibility of the President or Congress under the Constitution, statutes, or treaties of the United States in force.

15. Intelligence Authorization Act for Fiscal Year 1987 (Public Law 99-569, October 27, 1986), Sec. 106

Restrictions on Support for Military on Paramilitary Operations in Nicaragua

Public Law 99-569 [H.R. 4759]; 100 Stat. 3190, approved October 27, 1986

AN ACT To authorize appropriations for fiscal year 1987 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1987".

* * * * * * *

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

Sec. 106. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated and expended during fiscal year 1987 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorization referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

16. Military Contruction Appropriations Act, 1987, Sec. 101(k) of the Continuing Appropriations Act, 1987 (Public Law 99-591, October 30, 1986) As Amended By Sec. 111 of the Continuing Appropriations for 1988 (Public Law 100-202, December 22, 1987)

Partial text of Public Law 99-591 [Section 101(k) of the Continuing Appropriations Act, 1987; H.J. Res. 738] 100 Stat. 3341, approved October 30, 1986, as amended by Public Law 100-202 [Section 111 of the Continuing Appropriations Act, 1988; H.J. Res. 395] 101 Stat. 1329, approved December 22, 1987

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101. * * *

(k) Such amounts as may be necessary for programs, projects or activities provided for in the Military Construction Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriation Act:

* * * * * * *

TITLE II

CENTRAL AMERICA

PURPOSES

SEC. 201. The purposes of this title are to promote economic and political development, peace, stability and democracy in Central America, to encourage a negotiated resolution of the conflict in the region, and towards these ends, to enable the President to provide additional economic assistance for the Central American democracies as well as assistance for the Nicaraguan democratic resistance, subject to the terms and conditions of title.

POLICY TOWARD CENTRAL AMERICA

SEC. 202. (a) It is the policy of the United States that—

(1) the building of democracy, the restoration of peace, economic development, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States,

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be

effectively dealt with to assure a democratic and econmically and politically secure Central America; and

(3) the September 1983 Contadora Document of Objectives, which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region, is to be encouraged and supported.

(b) The United States strongly supports as essential to the objectives set forth in subsection (a)—

(1) a long-term commitment of economic assistance to the Central American democracies in amounts recommended by the National Bipartisan Commission on Central America;

(2) national reconciliation in Nicaragua and the creation of a framework for negotiating a peaceful, democratic settlement to the Nicaraguan conflict; and

(3) efforts to reach a comprehensive and verifiable final agreement based on the Contadora Document of Objectives, including efforts to encourage the Government of Nicaragua to pursue a dialogue with the representatives of all elements of the Nicaraguan democratic opposition for the purpose of achieving a democratic political settlement of the conflict, including free and fair elections.

POLICY TOWARD THE GOVERNMENT OF NICARAGUA

SEC. 203. (a) United States policy toward the Government of Nicaragua shall be based upon that government's responsiveness to continuing concerns affecting the national security of the United States and Nicaragua's neighbors about—

(1) Nicaragua's close military and security ties to Cuba and the Soviet Union and its Warsaw Pact allies including the presence in Nicaragua of military and security personnel from those countries and allies;

(2) Nicaragua's buildup of military forces in numbers disproportionate to those of its neighbors and equipped with sophisticated weapons systems and facilities designed to accommodate even more advanced equipment;

(3) Nicaragua's unlawful support for armed subversion and terrorism directed against the democratically elected governments of other countries;

(4) Nicaragua's internal repression and lack of opportunity for the exercise of civil and political rights which would allow the people of Nicaragua to have a meaningful voice in determining the policies of their government through participation in regularly scheduled free and fair elections and the establishment of democratic institutions; and

(5) Nicaragua's refusal to negotiate in good faith for a peaceful resolution of the conflict in Central America based upon the comprehensive implementation of the September 1983 Contadora Document of Objectives and, in particular, its refusal to engage in a serious national dialogue with all elements of the Nicaraguan democratic opposition.

(b) The United States will address the concerns described in subsection (a) through economic, political, and diplomatic measures (including efforts to secure the cooperation of other democratic nations in such measures), as well as through support for the Nicaraguan democratic resistance. In order to assure every opportunity for a peaceful resolution of the conflict in Central America, the United States will—

(1) engage in bilateral discussions with the Government of Nicaragua with a view toward facilitating progress in achieving a peaceful resolution of the conflict, if the Government of Nicaragua simultaneously engages in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition; and

(2) limit the types and amounts of assistance provided to the Nicaraguan democratic resistance and take other positive action in response to steps taken by the Government of Nicaragua toward meeting the concerns described in subsection (a).

(c) The duration of bilateral discussions with the Government of Nicaragua and the implementation of additional measures under subsection (b) shall be determined, after consultation with the Congress, by reference to Nicaragua's actions in response to the concerns described in subsection (a). Particular regard will be paid to whether—

(1) freedom of speech, assembly, religion, and political activity are being respected in Nicaragua and progress is being made toward the holding of regularly scheduled free and fair elections;

(2) there has been a halt to the flow of arms and the introduction of foreign military personnel into Nicaragua, and a withdrawal of all foreign military personnel has begun;

(3) a cease-fire with the Nicaraguan democratic resistance is being respected; and

(4) Nicaragua is refraining from acts of aggression, including support for insurgency and terrorism in other countries.

(d) The actions by the United States under this title in response to the concerns described in subsection (a) are consistent with the right of the United States to defend itself and to assist its allies in accordance with international law and treaties in force. Such actions are directed, not to determine the form or composition of any government of Nicaragua, but to achieve a comprehensive and verifiable agreement among Central American countries, based upon the 1983 Contadora Document of Objectives, including internal reconciliation within Nicaragua based upon democratic principles, without the use of force by the United States.

(e) Notwithstanding any other provision of this title, no member of the United States Armed Forces or employee of any department, agency, or other component of the United States Government may enter Nicaragua to provide military advice, training, or logistical support to paramilitary groups operating inside that country. Nothing in this title shall be construed as authorizing any member or unit of the Armed Forces of the United States to engage in combat against the Government of Nicaragua.

POLICY TOWARD THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 204. (a) It is the policy of the United States to assist all groups within the Nicaraguan democratic resistance which—

(1) are committed to work together for democratic national reconciliation in Nicaragua based on the document issued by the six Nicaraguan opposition parties on February 7, 1986, entitled "Proposal to the Nicaraguan Government for a solution to the Crisis in Our Country"; and

(2) respect international standards of conduct and refrain from violations of human rights or from other criminal acts,

(b) No assistance under this title may be provided to any group that retains in its ranks any individual who has been found to engage in—

(1) gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961); or

(2) drug smuggling or significant misuse of public or private funds.

(c)(1) It is recognized that the Nicaraguan democratic resistance has been broadening its representative base, through the forging of cooperative relationships between the United Nicaraguan Opposition (UNO) and other democratic resistance elements, and has been increasing the responsiveness of military forces to civilian leadership.

(2) The President shall use the authority provided by this title to further the developments described in paragraph (1) and to encourage the Nicaraguan democratic resistance to take additional steps to strengthen its unity, pursue a defined and coordinated program for representative democracy in Nicaragua, and otherwise increase its appeal to the Nicaraguan people.

(d) In furtherance of the policy set out in this section, not less than $10,000,000 of the funds transferred by section 6(a) shall be available only for assistance to resistance forces otherwise eligible and not currently included within UNO, of which amount $5,000,000 shall be available only for the Southern Opposition Bloc (BOS) and $5,000,000 shall be available only for the Indian resistance force known as Misurasata.

ASSISTANCE FOR THE CENTRAL AMERICAN DEMOCRACIES

SEC. 205. (a) There are hereby transferred to the President for assistance to the Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) in accordance with the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961; $300,000,000 of unobligated funds from the accounts specified in subsection (b). Amounts transferred under this section shall be administered in accordance with the terms and conditions of chapter 6 of part I of the Foreign Assistance Act of 1961. Notwithstanding any other provision of law, funds made available by this section—

(1) shall be in addition to amounts previously appropriated for the fiscal year 1986 and allocated for assistance to Central American countries, and

(2) shall remain available for obligation until September 30, 1987, except that not less than $100,000,000 shall be obligated on or before September 30, 1986.

(b) Amounts made available by this section shall be transferred from such accounts as the President may designate for which appropriations were made by title II of the Foreign Assistance and Related Programs Appropriations Act, 1986, title IV of the Agriculture, Rural Development and Related Agencies Appropriations Act, 1986, (as contained in Public Law 99-190), and title II of the Urgent Supplemental Appropriations Act, 1985 (Public Law 99-10).

(c)(1) The Secretary of State, the Administrator of the Agency for International Development, and the Director of the Office of Management and Budget, shall—

(A) develop a plan for fully funding the assistance to the Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) proposed in the January 1984 report of the National Bipartisan Commission on Central America; and

(B) provide a report describing this plan to the President and the Congress no later than March 1, 1987.

(2) The report required by paragraph (1) shall include an analysis and recommendations, prepared in consultation with the Secretary of Agriculture, on how more effective use can be made of agricultural commodities from the United States in alleviating hunger in Central America and contributing to the economic development of the Central American democracies.

(d)(1) There are hereby transferred to the President out of funds appropriated by the Supplemental Appropriations Act, 1985 (Public Law 99-88), under the heading "Assistance For Implementation of a Contadora Agreement" such sums as the President may require but not more than $2,000,000, to facilitate the participation of Costa Rica, El Salvador, Guatemala, and Honduras in regional meetings and negotiations to promote peace, stability, and security in Central America.

(2) Funds transferred under paragraph (1) shall remain available for the same period of time as such funds would have been available under the Supplemental Appropriations Act, 1985 (Public Law 99-88), but for the enactment of this title.

(e) The Congress reaffirms its support for the establishment of a Central American Development Organization, authorized by section 464 of the Foreign Assistance Act of 1961, as an effective forum for dialogue on, and the continuous review and advancement of, Central America's political, economic, and social development, including the strengthening of democratic pluralism and respect for internationally recognized human rights. Toward this end, not less than $750,000 of the funds transferred by this section should be used to establish the Central American Development Organization and its administrative apparatus so as to ensure that Central American development objectives are encouraged.

ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 206. (a)(1) The Congress hereby approves the provision of assistance for the Nicaraguan democratic resistance in accordance with the provisions of this title.

(2) There are hereby transferred to the President for the purposes of this section $100,000,000 of unobligated funds from such accounts for which appropriations were made by the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), as the President shall designate.

(b) Not withstanding the Impoundment Control Act of 1974, not more than 40 percent of the funds transferred under subsection (a) may be available for obligation or expenditure in accordance with this title upon the date of its enactment; not more than an additional 20 percent of such funds may be so available no earlier than October 15, 1986, and 15 days after the transmittal to the Congress of the determination required by section 11(c); and not more than the remaining 40 percent may be so available no earlier than February 15, 1987, and 15 days after the transmittal to the Congress of the determination required by section 11(e).

(c) Funds transferred under subsection (a) shall remain available for the same periods of time, but not to exceed September 30, 1987, as such funds would have been available under the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), but for the enactment of this title.

COORDINATION OF AND ACCOUNTABILITY FOR ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 207. (a) The Secretary of State (or his designee) shall be responsible for policy guidance, coordination, and supervision of United States Government activities under this title.

(b) Any agency to which funds transferred under section 6(a) are allocated shall establish standards, procedures and controls necessary to assure that such funds are fully accounted for and are used exclusively for the purposes authorized by this title. Such standards, procedures and controls shall be developed in consultation with the Comptroller General and the appropriate committees of the Congress, and shall include such safeguards as segregation of accounts, monitoring of deliveries, and requirements for the keeping of complete records available for audit by authorized representatives of the United States Government.

FUNDS FOR HUMANITARIAN ASSISTANCE

SEC. 208. (a) Of the amounts transferred under section 6(a), $30,000,000 shall be available only for the provision of humanitarian assistance to the Nicaraguan democratic resistance.

(b) Of the $30,000,000 made available only for purposes of subsection (a), $3,000,000 shall be available only for strengthening programs and activities of the Nicaraguan democratic resistance for the observance and advancement of human rights.

APPLICATION OF EXISTING LAWS

SEC. 209. (a) Except as otherwise provided in this title, funds transferred under section 6(a) shall be available for the purposes described in section 105(a) of the Intelligence Authorization Act for Fiscal Year 1986, and all the requirements, terms, and conditions of such section and sections 101 and 102 of such Act, section 502 of the National Security Act of 1947, and section 106 of the Supplemental Appropriations Act, 1985 (Public Law 99-88), shall be deemed to have been met for such use of such funds.

(b) The use of funds made available under this title is subject to all applicable provisions of law and established procedures relating to the oversight by the Congress of operations of departments and agencies.

(c) Nothing in this title shall be construed as permitting the President to furnish additional assistance to the Nicaraguan democratic resistance from funds other than the funds transferred under section 6(a) or otherwise specifically authorized by the Congress for assistance to the Nicaraguan democratic resistance.

(d) No limitation or restriction contained in section 10 of Public Law 91-672, section 8109 of the Department of Defense Appropriations Act, 1986, section 502 of the National Security Act of 1947, or any other provision of law shall apply to the transfer or use of funds transferred to the President under this title.

USE OF FUNDS AFTER A PEACEFUL SETTLEMENT

SEC. 210. If the President determines and so reports to the Congress that a peaceful settlement of the conflict in Central America has been reached, then—

(1) the unobligated balance, if any, of funds transferred under section 6(a) shall be available for the purposes of relief, rehabilitation, and reconstruction in Central America countries in accordance with the authorities contained in chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to economic support fund assistance);

(2) the President shall terminate any economic embargo of Nicaragua then in effect; and

(3) the President shall take such further actions as appropriate to carry out the policy described in section 2(a)(1) of this title with respect to all Central American countries, including Nicaragua.

INCENTIVES FOR A NEGOTIATED SETTLEMENT

SEC. 211. (a) Assistance to the Nicaraguan democratic resistance under this title shall be provided in a manner designed to encourage the Government of Nicaragua to respond favorably to the many opportunities available for achieving a negotiated settlement of the conflict in Central America. These opportunities include the following proposals:

(1) Six opposition Nicaraguan political parties on February 7, 1986, called for an immediate cease-fire, an effective general amnesty, abolition of the state of emergency agreement on a new electoral process and general elections, effective fulfillment of international commitments for democratization, and observance of implementation of these actions and commitments by appropriate international groups and organizations;

(2) President Reagan on February 10, 1986, offered simultaneous talks between the Government of Nicaragua and all elements of the Nicaraguan democratic opposition in Nicaragua and between the Government of Nicaragua and the United States Government;

(3) President Jose Napoleon Duarte of El Salvador on March 5, 1986, offered an additional dialogue between the Government of El Salvador and the insurgents in El Salvador if the Government of Nicaragua would simultaneously engage in a

dialogue with all elements of the Nicaraguan democratic opposition; and

(4) The United Nicaraguan Opposition on May 29, 1986, reiterated its support for the six-party proposal described in paragraph (1) as a means to achieve national reconciliation and democratization.

(b)(1) In furtherance of the objectives set forth in subsection (a), and except as provided in subsection (e), assistance to the Nicaraguan democratic resistance under this title shall be limited to the following:

(A) humanitarian assistance (as defined in section 722(g)(5) of the International Security and Development Cooperation Act of 1985);

(B) logistics advice and assistance;

(C) support for democratic political and diplomatic activities;

(D) training, services, equipment and supplies for radio communications, collection, and utilization of intelligence, logistics, and small-unit skills, tactics and operations; and

(E) equipment and supplies necessary for defense against air attacks.

(2) The assistance described in paragraph (1) shall be limited, by type and value, to the matters specified in the classified annex to the communication from the President to the Speaker of the House of Representatives and the President of the Senate dated June 24, 1986.

(3) No weapons or ammunition shall be delivered under this title to the Nicaraguan democratic resistance prior to September 1, 1986.

(c) [1] On and after October 15, 1986, an additional $20,000,000 of the funds transferred under section 6(a) may be made available for obligation and expenditure for assistance to the Nicaraguan democratic resistance 15 days after the President determines and reports to the Congress that—

(1) the Central American countries have not concluded a comprehensive and effective agreement based on the Contadora Document of Objectives;

(2) the Government of Nicaragua is not engaged in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political acitivity, leading to regularly scheduled free and fair elections and the establishment of democratic institutions; and

(3) there is no reasonable prospect of achieving such agreement, dialogue, cease-fire, and end to constraints described in paragraphs (1) and (2) through further diplomatic measures, multilateral or bilateral, without additional assistance to the Nicaraguan democratic resistance.

(d)(1) Notwithstanding any other provision of this title, on or after October 15, 1986, funds transferred under section 6(a) may be obligated or expended only if the President determines and reports to the Congress that the Nicaraguan democratic resistance groups receiving assistance under this title have agreed to and are beginning to implement—

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[1] Presidential Determination No. 87-6 of December 27, 1986; 52 F.R. 2389 reported that conditions set forth in subsec. (c) with respect to the provision of assistance to the Nicaraguan democratic resistance had been met.

(A) confederation and reform measures to broaden their leadership base;

(B) the coordination of their efforts;

(C) the elimination of human rights abuses;

(D) the pursuit of a defined and coordinated program for achieving representative democracy in Nicaragua; and

(E) the subordination of military forces to civilian leadership; and

(F) the application of rigorous standards, procedures and controls to assure that funds transferred under section 6(a) are fully accounted for and are used exclusively for the purposes authorized by this title.

(2) In making his determination under paragraph (1), the President shall take into account the effectiveness and legitimacy of the political leadership of those Nicaraguan democratic resistance groups receiving assistance under this title, including the ability of that political leadership—

(A) to reflect the views and objectives of the internal and external Nicaraguan democratic opposition;

(B) to function as the spokesman for the Nicaraguan democratic opposition with central Americans, international organizations, and the United States Government;

(C) to respect the Nicaragua democratic opposition in dealing with the Government of Nicaragua;

(D) to provide command and control for the military forces of all resistance groups receiving assistance under this title and to establish the goals for their military operations;

(E) to determine the distribution of and maintain accountability for assistance provided under this title; and

(F) to provide the legal mechanisms necessary for the enforcement of standards of conduct applicable to all members of the resistance groups receiving assistance under the title.

(e)[2] On and after February 15, 1987, the restrictions in subsection (b) shall cease to apply and the remaining funds transferred under section 6(a) may be made available for obligation and expenditure for assistance to the Nicaraguan democratic resistance 15 days after the President determines and reports to the Congress that—

(1) the Central American countries have not concluded a comprehensive and effective agreement based on the Contradora Document of Objectives;

(2) the Government of Nicaragua is not engaged in a serious dialog with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech assembly, religion, and political activity leading to regularly

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[2] Presidential Determination 87-10 of March 5, 1987; 52 F.R. 9107, reported that conditions set forth in subsecs. (e)(1), (e)(2) and (e)(3) with respect to provision of assistance to the Nicaraguan democratic resistance had been met.

scheduled free and fair elections and the establishment of democratic institutions; and

(3) there is no reasonable prospect of achieving such agreement, dialog, cease-fire, and end to constraints described in paragraphs (1) and (2) through further diplomatic measures, multilateral or bilateral, without additional assistance to the Nicaraguan democratic resistance,

unless the Congress has enacted a joint resolution under section 12 disapproving the provision of additional assistance (other than assistance described in subsection (b)(1) within the limits of funds previously made available).

(f)(1) Notwithstanding subsection (e), no assistance (other than the assistance described in subparagraphs (A) through (C) of subsection (b)(1) shall be provided at any time to the Nicaraguan democratic resistance under this title if—

(A) the President determines that—

(i) the Central American countries have concluded a comprehensive and effective agreement based on the Contradora Document of Objectives; or

(ii) the Government of Nicaragua is engaging in a serious dialog with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease- fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political activity leading to regularly scheduled free and fair elections and the establishment of democratic institutions; or

(B) the Congress enacts a joint resolution under section 12 disapproving the provision of additional assistance (other than assistance described in subparagraphs (A) through (C) of subsection (b)(1)).

(2) The prohibition contained in paragraph (1) shall not apply—

(A) with respect to assistance described in subparagraph (D) of subsection (b)(1) if the Government of Nicaragua fails to observe an applicable cease-fire; or

(B) with respect to assistance described in subparagraph (E) of subsection (b)(1) if the Government of Nicaragua acquires additional equipment or material to carry out air attacks.

CONGRESSIONAL PRIORITY PROCEDURES

Sec. 212. (a)(1) A joint resolution described in subsection (e) of section 11 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress disapproves the provision of additional assistance to the Nicaraguan democratic resistance pursuant to title II of the Military Construction Appropriations Act, 1987, except as provided in section 11(b) thereof within the limits of funds previously made available.".

(2) A joint resolution described in subsection (f)(1)(B) of section 11 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress disapproves the provision of additional assistance to the Nicaraguan democratic resistance pursuant to title II of the Military Construction Appropriations Act, 1987, except as provided in subparagraphs (A)

through (C) of section 11(b)(1) and paragraph (2) of section 11(f) thereof.".

(b) A joint resolution described in subsection (a)(1) or (a)(2) shall be considered in the House of Representatives and in the Senate in accordance with the provisions of paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(1) reference in such paragraphs to a joint resolution shall be deemed to be references to the respective joint resolution set forth in subsection (a)(1) or subsection (a)(2);

(2) references in such paragraphs to Committee on Appropriations shall be deemed to be references to the appropriate committee or committees of the respective House of Congress; and

(3) references in such paragraphs to the eight day and to fifteen calendar days shall be deemed to be references to the fifth day and to five calendar days, respectively.

(c) The provisions of this section are enacted—

(1) as exercises of the rulemaking powers of the House of Representatives and Senate, and as such they are deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under section 11, and they supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constiutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

COMMISSION ON CENTRAL AMERICAN NEGOTIATIONS

SEC. 213. (a)(1) There is established the Commission on Central American Negotiations (hereafter in this section referred to as the "Commission"), which shall be composed of five members appointed as follows:

(A) One individual appointed by the Speaker of the House of Representatives;

(B) One individual appointed by the Minority Leader of the House of Representatives;

(C) One individual appointed by the Majority Leader of the Senate;

(D) One individual appointed by the Minority Leader of the Senate; and

(E) One individual who shall serve as Chairman of the Commission, selected by majority vote of the other members of the Commission.

(2) No officer or employee of the United States may be appointed as a member of the Commission.

(3) The appointments referred to in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be made within 5 calendar days fol-

lowing enactment of this title, and the selection of a chairman referred to in subparagraph (E) of paragraph (1) shall be made within 10 days following enactment of this title.

(b) The purpose of the Commission is to monitor and report on the efforts of the Nicaraguan democratic resistance to coordinate and reform and on the status of any negotiations on the peace, stability, and security of Central America, including negotiations conducted between or among—

(1) the Government of Nicaragua and all elements of the Nicaraguan democratic opposition, including the Nicaraguan democratic resistance;

(2) the governments of Central American countries;

(3) the Government of the United States and the Government of Nicaragua;

(4) the governments of the Contadora and Support Group countries and the governments of the Central American countries; and

(5) the Government of El Salvador and the insurgents in El Salvador.

(c)(1) The Commission may appoint and fix the pay of not more than seven staff personnel, but at such rates not in excess of the rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(2)(A) Each member of the Commission shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day duting which such member is engaged in the performance of duties as a Commission.

(B) While away from his home or regular place of business in the performance of duties for the Commission, a member or staff personnel of the Commission shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(3) For purposes of pay and other employment benefits, rights, and privileges and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

(d)(1) A majority of the members of the Commission shall constitute a quorum.

(2) All decisions of the Commission shall be by majority vote.

(e) The Commission may make such reports in connection with its duries as it deems necessary to the Speaker of the House of Representative and the chairman of the Committee on Foreign Relations of the Senate, except that—

(1) not later than 5 days after receipt by the Congress or a report by the President under section 14 the Commission shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report addressing all the matters which are required to be included in reports of the President by paragraphs (1), (3), and (4) of section 14; and

(2) not later than September 30, 1986, the Commission shall prepare and transmit to the Congress a report on whether the

Nicaraguan democratic resistance groups receiving assistance under this title have agreed to and are beginning to implement measures described in subparagraphs (A) through (F) of section (11)(d)(1) and an evaluation of the factors described in section 11(d)(2).

(f)(1) Salaries and expenses of the Commission, but not more than $400,000, shall be paid from the contingent fund of the Senate out of the Account for Miscellaneous Items, in accordance with the provisions of this section.

(2) Funds made available to the Commission by paragraph (1) shall be disbursed on vouchers approved by the Chairman, except that no voucher shall be required for the disbursement of the salary of an individual appointed under subsection (c).

(3) For purposes of section 502(b) of the Mutual Security Act of 1954, the Commission shall be deemed to be a standing committee of the Congress and shall be entitled to use of funds in accordance with such section.

(g) The Commission shall terminate not later than 90 days after transmittal of the reports required by subsection (e).

PRESIDENTIAL REPORTING REQUIREMENT

SEC. 214. The President shall prepare and transmit to the Congress with each determination required by section 11 a report on actions taken to achieve a resolution of the conflict in Central America in a manner that meets the concerns described in section 3(a). Each such report shall include—

(1) a detailed statement of the status of negotiations toward a negotiated settlement of the conflict in Central America, including the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate a settlement;

(2) a detailed accounting of the disbursements made to provide assistance with the funds transferred under section 6(a) and a detailed statement of how the accountability standards, procedures and controls established under section 7(b) and 11(d)(1)(F) are being inplemented so as to assure that all such funds are fully accounted for and are being used exclusively for the purposes authorized by this title;

(3) a discussion of alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua, including a statement of the steps taken by the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) an evaluation of the progress made by the Nicaraguan democratic resistance in broadening its political base and defining a unified and coordinated program for achieving representative democracy in Nicaragua.

REQUESTS FOR ADDITIONAL ASSISTANCE

SEC. 215. [3] * * * [Repealed—1987]

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[3] Sec. 215 was repealed by sec. 111(m)(1) of the Continuing Appropriations for 1988 (Public Law 100-202, 101 Stat. 1329-441). It formerly read as follows:

Continued

LIMITATION ON PARTICIPATION OF UNITED STATES GOVERNMENT PERSONNEL IN DELIVERY OF ASSISTANCE

SEC. 216. (a) United States Government personnel may not provide any training or other service, or otherwise participate directly or indirectly in the provision of any assistance, to the Nicaraguan democratic resistance pursuant to this title within those land areas of Honduras and Costa Rica which are within 20 miles of the border with Nicaragua.

(b) As used in this section, the term "United States Government personnel" means—

(1) any member of the United States Armed Forces who is on active duty or is performing inactive duty training; and

(2) any employee of any department, agency, or other component of the executive branch of the United States Government;

but does not include any officer or employee of the United States General Accounting Office of any employee of the Inspector General of the Department of State and the Foreign Service who is carrying out inspections, investigations, or audits with respect to assistance for the Nicaraguan democratic resistance pursuant to this title.

"The provisions of subsections (s) and (t) of section 722 of the International Security and Development Cooperation Act of 1985 shall apply—

"(1) with respect to any request described in section 722(p) of such Act submitted by the President to the Congress on or after the date of enactment of this title, and

"(2) with respect to any request by the President for additional economic assistance for the Central American democracies to carry out recommendations contained in the report required by section 5(c)(1)(B) (in which case 0references to a joint resolution in subsections (s) and (t) of section 722 of such Act shall be deemed to be references to a joint resolution without a preamble, the matter after the resolving clause of which is as follows: "That the Congress approves the additional economic assistance for the Central American democracies that the President requested pursuant to title II of the Military Construction Appropriation Act, 1987."), except that, for purposes of consideration in a House of Congress of a joint resolution under subsection (s) or (t) of such section, amendments to such a joint resolution may be in order but only if such amendments are germane."

17. Department of Defense Appropriations Act, 1987, Section 101(c) of the Continuing Appropriations Act, 1987 (Public Law 99-591, October 30, 1986), Sec. 9045

U.S. Involvement in Military or Paramilitary Operations in Fiscal Year 1987

Partial text of Public Law 99-591 [Section 101(c) of the Continuing Appropriations Act, 1987; H.J. Res. 738], 100 Stat. 3341, approved October 30, 1986

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes

Resolved by the Senate and House Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101. * * *

(c) Such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

* * * * * * *

SEC. 9045. None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended during fiscal year 1987 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 106 of the Intelligence Authorization Act or fiscal year 1987.

18. Department of Defense Authorization Act, 1987 (Public Law 99-661, November 14, 1986), Sec. 1351

Restrictions in use of certain Defense appropriations accounts to assist the Nicaragua Democratic Resistance

Partial text of Public Law 99-661 [National Defense Authorization Act for Fiscal Year 1987; S. 2368]; 100 Stat. 3816, approved November 14, 1986

AN ACT To authorize appropriations for fiscal year 1987 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to improve the defense acquisition process, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

PART F—MISCELLANEOUS

SEC. 1351. LIMITATION ON SOURCE OF FUNDS FOR NICARAGUAN DEMOCRATIC RESISTANCE

(a) LIMITATION.—Notwithstanding title II of the Military Construction Appropriations Act, 1987, or any other provision of law, funds appropriated or otherwise made available to the Department of Defense for any fiscal year for operation and maintenance may not be used to provide assistance for the democratic resistance forces in Nicaragua. If funds appropriated or otherwise made available to the Department of Defense for any fiscal year are authorized by law to be used for such assistance, funds for such purpose may only be derived from amounts appropriated or otherwise made available to the Department for procurement (other than ammunition).

(b) REPORT.—Before funds appropriated or otherwise made available to the Department of Defense are released to be used for the purpose described in subsection (a), the Secretary of Defense shall submit to Congress a report describing the specific source of such funds.

19. Continuing Appropriations for 1988 (Public Law 100-120, September 30, 1987)

Partial text of Public Law 100-120 [Continuing Appropriations for 1988; H.J. Res. 362], 101 Stat. 789, approved September 30, 1987

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1988, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1988, and for other purposes, namely:

SEC. 101 (a)(1) Such amounts as may be necessary for programs, projects, and activities which were conducted in the fiscal year 1987, under the current terms and conditions and at a rate for operations not in excess of the current rate, for which provision was made in the following and subsequent appropriations Acts:

* * * * * * *

The Military Construction Appropriations Act, 1987, except for section 206 of such Act: *Provided,* That the authority available as of September 30, 1987, shall be continued to allow the obligation and expenditure of previously appropriated funds in section 206 for supporting, monitoring, and managing the activities provided for under section 206 in fiscal year 1987:[1] *Provided further,* That in order to strengthen and continue the peace process in Central America, not to exceed the current rate of $2,650,000 per month shall be available only for humanitarian assistance and its support, management, and monitoring in accordance with the provisions of title II of the Military Construction Appropriations Act, 1987;[2]

* * * * * * *

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[1] This provision was extended through December 21, 1987, by three additional continuing appropriations: Public Law 100-162, November 10, 1987; Public Law 100-193, December 16, 1987; Public Law 100-197, December 20, 1987)

[2] For text of Title II, see page 703.

20. Intelligence Authorization Act,. Fiscal Year 1988 (Public Law 100-178, December 2, 1987)

Partial text of Public Law 100-178 [H.R. 2112], 101 Stat. 1009, approved December 2, 1987

An Act to authorize appropriations for fiscal year 1988 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1988".

TITLE I—INTELLIGENCE ACTIVITIES

* * * * * * *

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated an expended during fiscal year 1988 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to section 101(a)(1) of the Act making continuing appropriations for the fiscal year 1988 (Public Law 100-120), or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

* * * * * * *

21. National Defense Authorization Act for Fiscal Years 1988 and 1989 (P.L. 100-180, December 4, 1987)

Partial text of Public Law 100-180 [National Defense Authorization Act for Fiscal Years 1988 and 1989; H.R. 1748], 101 Stat. 1019, approved December 4, 1987

AN ACT To authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

TITLE XIV—FOREIGN RELATIONS MATTERS

SEC. 1405. SENSE OF CONGRESS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

Congress hereby reaffirms the sense of Congress expressed in the first session of the 99th Congress (in section 1451 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 760)), that United States Armed Forces should not be introduced into or over Nicaragua for combat. However, nothing in this section shall be construed as affecting the authority and responsibility of the President or Congress under the Constitution, statutes, or treaties of the United States in force.

* * * * * * *

22. Department of Defense Appropriations Act, 1988 Sec. 101(b) of the Continuing Appropriations for 1988 (Public Law 100-202, December 22, 1987)

Partial text of Public Law 100-202 [Continuing Appropriations Act, 1988; H.J. Res. 395], 101 Stat. 1329, approved December 22, 1987

JOINT RESOLUTION Making further continuing appropriations for the fiscal year 1988, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

* * * * * * *

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1988, and for other purposes, namely:

Sec. 101.[1] (a) * * *

* * * * * * *

Sec. 101. (b) [1] Such amounts as may be necessary for programs, projects, or activities provided for in the Department of Defense Appropriations Act, 1988, at a rate of operations and to the extent and in the manner provided for, the provisions of such Act to be effective as if it had been enacted into law as the regular appropriations Act, as follows:

* * * * * * *

TITLE VIII

GENERAL PROVISIONS

* * * * * * *

SEC. 8144. None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States Government may be obligated or expended during fiscal year 1988 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 104 of the Intelligence Authorization Act (Public Law 100-178) for fiscal year 1988.

* * * * * * *

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[1] Sec. 101 of the Continuing Appropriations Act contains the 13 regular appropriations acts, including the Department of Defense Appropriations, an excerpt from which (sec. 8144) is printed here. Secs. 102 through 110 of the Act contain legislation on a variety of other matters. Sec. 111 of the Continuing Appropriations Act concerns assistance to the Nicaraguan Democratic Resistance.

23. Continuing Appropriations for 1988 (Public Law 100-202, December 22, 1987)

ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 111.[1] (a) There are hereby transferred to the President $3,600,000 of unobligated funds, from such accounts for which appropriations were made by Department of Defense appropriations Acts for the fiscal year 1987 or prior years, as the President shall designate, to provide humanitarian assistance to the Nicaraguan democratic resistance consistent with this section, to remain available through February 29, 1988.

(b)(1) The President is authorized to transfer or reprogram $4,500,000 of unobligated funds from such accounts for which appropriations were made by Department of Defense appropriations Acts for the fiscal year 1987 or prior fiscal years, as the President shall designate, to provided transportation of humanitarian and other assistance previously, specifically authorized by law to the Nicaraguan domestic resistance, to remain available through February 29, 1988.

(2)(A) [2] Transportation under paragraph (1) for lethal assistance previously authorized by law shall be suspended on January 12, 1988 and shall resume thereafter only if, after January 18, 1988, the President determines and certifies to the Congress that—

(i) at the time of such certification no ceasefire is in place that was agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance;

(ii) the failure to achieve the ceasefire described in subparagraph (A)(i) results from the lack of good faith efforts by the Government of Nicaragua to achieve such a ceasefire; and

(iii) the Nicaraguan democratic resistance has engaged in good faith efforts to achieve the ceasefire described in subparagraph (A)(i).

(B) Transportation under paragraph (1) for lethal assistance previously authorized by law shall be suspended during any period in which there is in place a ceasefire described in subparagraph (A)(i), except to the extent, if any, permitted by the agreement governing such ceasefire.

(c)(1) The Department of Defense shall, through February 29, 1988, make available to the department or agency administering this section passive air defense equipment to ensure the safety of transportation provided pursuant to this section.

(2) The Department of Defense shall not charge the department or agency receiving equipment under paragraph (1) for such equipment, and shall bear the risk of loss, damage or deterioration of such equipment during the period of its use under the authority of paragraph (1).

(d)(1) The President is authorized to transfer unobligated funds from such accounts for which appropriations were made by Department of Defense appropriations Acts for the fiscal year 1987 or prior fiscal years, as the President shall designate, solely for the indemnification through February 29, 1988, of aircraft leased after the date of enactment of this joint resolution to carry out subsection (b).

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[2] In Presidential Determination No. 88-6 of January 19, 1988, 53 F.R. 1601, the President determined and certified that the conditions listed in clauses (i), (ii) and (iii) had been met.

(2) On March 1, 1988, the President shall transfer the balance, if any, remaining of funds transferred under paragraph (1) to the accounts from which such funds were transferred under paragraph (1).

(e) As used in this section, the term "humanitarian assistance" means only food, clothing, shelter, medical services, medical supplies, and payment for such items.

(f) The requirements, terms and conditions of section 104 of the Intelligence Authorization Act, fiscal year 1988 (Public Law 100-178), section 8144 of the Department of Defense Appropriations Act, 1988 as contained in section 101(b) of this joint resolution, section 10 of Public Law 91-672, section 502 of the National Security Act of 1947, section 15(a) of the State Department Basic Authorities Act of 1956, and any other provision of law shall be deemed to have been met for the transfer and use consistent with this section of the funds made available by subsections (a), (b), and (d), and the transfer and use of equipment as provided in subsection (c).

(g) The authority to support, monitor, and manage the activities for which this section provides funds shall continue until February 29, 1988.

(h) Sections 203(e), 204(b), 207, 209(b), 209(c), and 216, and the first sentence of section 203(d), in "TITLE II—CENTRAL AMERICA" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591) shall apply with respect to funds made available by this section.

(i) If, on January 17, 1988, a cease-fire agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance is in place and the Government of Nicaragua is in compliance with the Guatemala peace accord of August 7, 1987, then the President shall, to the maximum extent practicable, make the unobligated balance of funds transferred by subsection (a) available for administration consistent with this section by nonpolitical humanitarian international organizations.

(j)(1) The President may submit to Congress, no earlier than January 25, 1988, and no later than January 27, 1988, a request in accordance with this section for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance.

(2) Only if a joint resolution approving a request made pursuant to subsection (j)(1) has been enacted into law, the President may submit to Congress one additional request under this section for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance.

(3) It is the sense of Congress that any request in accordance with this section should be compatible with the Guatemala peace accord of August 7, 1987, and the decisions reached by the Central American presidents at the meeting on the report of the International Commission of Verification and Followup, and consistent with the national security interests of the United States.

(4) Each request of the President in accordance with this section shall include a detailed statement of the steps that the United States, the Central American nations, and other interested parties have taken in support of the Guatemala peace accord of August 7, 1987, and of any ceasefire agreed to by the Government of Nicara-

gua and the Nicaraguan democratic resistance, as well as a report on any progress made in any bilateral or multilateral talks between the United States and the Government of Nicaragua.

(5) If a request of the President in accordance with this section proposes the transfer of funds, the request shall specify the accounts from which the funds are proposed to be transferred.

(6) For purposes of this section, the term "joint resolution" means only a joint resolution introduced within one day of session after the day of session on which the Congress receives the request submitted by the President pursuant to paragraphs (1) or (2)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to H.J. Res. 395 of the 100th Congress, the Act making continuing appropriations for fiscal year 1988.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint resolution relating to Central America pursuant to H.J. Res. 395 of the 100th Congress.".

(7) Any such joint resolution shall, upon introduction, be referred in the House of Representatives to the appropriate committee or committees.

(8) If all of the committees of the House of Representatives to which the first joint resolution approving a request made pursuant to subsection (j)(1) has been referred have not reported such joint resolution by the end of February 1, 1988, any committee which has not reported such joint resolution shall be discharged from further consideration thereof on February 2, 1988, and such joint resolution shall be placed on the appropriate calendar of the House.

(9) If all of the committees of the House of Representatives to which the first joint resolution approving a request made pursuant to subsection (j)(2) has been referred have not reported such joint resolution by the end of ten days of session after such joint resolution was introduced, any committee which has not reported such joint resolution shall be discharged from further consideration thereof and such joint resolution shall be placed on the appropriate calendar of the House.

(10) On February 3, 1988, it is in order for any Member of the House of Representatives (after consultation with the Speaker as to the most appropriate time for consideration) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution approving a request made pursuant to subsection (j)(1).

(11) It is in order for any Member of the House of Representatives (after consultation with the Speaker as to the most appropriate time for consideration) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution approving a request made pursuant to subsection (j)(2) at any time after such joint resolution has been on the calendar for a period of five days of session, except that it shall not be in order to consider such joint resolution prior to July 1, 1988.

(12) In the House of Representatives, the vote on final passage of the joint resolution approving a request made pursuant to subsection (j)(1) shall occur no later than February 3, 1988, and the vote on final passage of the joint resolution approving a request made pursuant to subsection (j)(2) shall occur no later than September 30, 1988.

(k)(1) The motion that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of a joint resolution in accordance with this section is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution and against its consideration are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of.

(2) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(3) An amendment to the joint resolution is not in order.

(4) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(l)(1) A joint resolution described in subsection (j)(6) introduced in the Senate shall be referred to the appropriate committee of the Senate.

(2) If the committee to which is referred a joint resolution described in subsection (j)(6) has not reported such a resolution at the end of February 2, 1988, in the case of a resolution approving a request made pursuant to subsection (j)(1), hereinafter referred to as the first resolution, and at the end of 15 days of session after the introduction of a resolution approving a request made pursuant to subsection (j)(2), hereinafter referred to as the second resolution, such committee shall be discharged from further consideration of any such joint resolution. The second such resolution may not be reported before the eighth day of session after its introduction.

(3)(A) When the committee to which a resolution is referred has reported, or has been discharged (under paragraph (2)) from further consideration of, a resolution described in subsection (j)(6), notwithstanding any rule or precedent of the Senate, including rule 22, it is in order only on February 4, 1988, in the case of the first, and any time in July, August, or September 1988, in the case of the second (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is not debatable. The motion is not subject to a motion to postpone. A yea and nay vote shall occur on the motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the Senate until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between the majority and the minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of debate on a resolution described in subsection (j)(6), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution described in subsection (j)(6) shall be decided without debate.

(E) The vote on passage of the first such joint resolution in the Senate shall occur no later than 10 p.m., February 4, 1988, and on the second such joint resolution not before July 1, 1988, and no later than 10 p.m., September 30, 1988.

(4) If, before the passage by the Senate of a resolution of the Senate described in subsection (j)(6), the Senate receives from the House of Representatives a resolution described in subsection (j)(6), then the following procedures shall apply:

(A) The resolution of the House of Representatives shall not be referred to a committee.

(B) With respect to a resolution described in subsection (j)(6) in the Senate—

(i) the procedure in the Senate shall be the same as if no resolution had been received from the House; but

(ii) the vote on passage shall be on the resolution of the House.

(C) Upon disposition of the resolution received from the House, it shall no longer be in order to consider the resolution originated in the Senate.

(5) If the Senate receives from the House of Representatives a resolution described in subsection (j)(6) after the Senate has disposed of a Senate originated resolution, the action of the Senate with regard to the disposition of the Senate originated resolution shall be deemed to be the action of the Senate with regard to the House originated resolution.

(m)(1) Section 215 in "TITLE II—CENTRAL AMERICA" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591), and subsections (p), (s), and (t) of section 722 of the International Security and Development Cooperation Act of 1985 are hereby repealed, and the provisions of section 8066 of the Department of Defense Appropriations Act, 1985, as contained in Public Law 98-473, shall not apply to any request for assistance to the Nicaraguan democratic resistance.

(2) Subsections (j)-(l) are enacted—

(A) as an exercise in the rulemaking powers of the House of Representatives and Senate, and as such they are deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under this section, and they supercede other rules only to the extent that they are inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

(3) As used in this subsection, the term "day of session" means a day on which the respective House is in session.

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24. Foreign Relations Authorization Act,. Fiscal Years 1988 and 1989 (P.L. 100-204, December 22, 1987)

SEC. 1212. PARTIAL LIFTING OF THE TRADE EMBARGO AGAINST NICARAGUA.

It is the sense of Congress that the President should exempt from the trade embargo against Nicaragua those items which would benefit Nicaragua's independent print and broadcast media, private sector and trade union groups, nongovernmental service organizations, and the democratic civic opposition.

25. Central American Peace Assistance
(P.L. 100-276, April 1, 1988)

JOINT RESOLUTION To provide assistance and support for peace, democracy, and reconciliation in Central America.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GENERAL POLICY.—It is the policy of the United States to advance peace and democracy in Central America, and to preserve and protect security interests in the region. Pursuant to that policy, it is the purpose of this joint resolution to assist in bringing peace and democracy to Central America, in a manner compatible with the Guatemala Peace Accord of August 7, 1987, the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988, the Agreement Between the Government of Nicaragua and the Nicaraguan Resistance signed March 23, 1988 at Sapoa, Nicaragua (hereinafter referred to as the "Sapoa Agreement") and consistent with the national security interests of the United States.

SEC. 2. CONSISTENCY WITH SAPOA AGREEMENT.—The assistance and support for which this joint resolution provides shall be administered consistent with the Sapoa Agreement. No authority contained in this joint resolution is intended to be exercised in any manner that might be determined by the Verification Commission established by the Sapoa Agreement to be inconsistent with that Agreement or any subsequent agreement between the Government of Nicaragua and the Nicaraguan democratic resistance.

SEC. 3. PURPOSE OF ADDITIONAL ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE.—(a) CONGRESSIONAL INTENT.—It is the intention of Congress in providing additional assistance to the Nicaraguan democratic resistance to reinforce the Central American peace process by supporting negotiations leading to a permanent negotiated ceasefire agreement. Such an agreement is seen by the Congress as an essential step towards the establishment of peace and democracy in Nicaragua. The Congress provides assistance under this section with the understanding and strong expectation that the Government of Nicaragua and the Nicaraguan democratic resistance will cease permanently offensive military activities against each other and engage in good faith negotiations towards a permanent ceasefire.

(b) TRANSFER AND USE.—(1) The President is authorized to transfer to the Agency for International Development $17,700,000 of unobligated funds from the appropriations accounts specified in section 6 to provide assistance for the Nicaraguan democratic resistance in accordance with this joint resolution. Funds so transferred shall remain available through September 30, 1988.

(2) The amount which is authorized to be transferred under paragraph (1) shall be reduced by the cost to the United States Government of any items or services described in subsection (c)(1) which were previously, specifically authorized by law for the Nicaraguan democratic resistance and which are delivered to the Nicaraguan democratic resistance under subsection (e).

(c) DESCRIPTION OF ASSISTANCE ALLOWED.—(1) As used in this section, "assistance" means only food, clothing, shelter, medical services, medical supplies, and payment for such items or services.

(2) The term "assistance" under this section also includes, to the extent consistent with the Sapoa Agreement, the use of not to exceed $1,500,000 of the funds made available under subsection (b) for the purchase of communications equipment.

(d) LIMITATIONS.—The amount of funds transferred under subsection (b) which is obligated each month for purchasing items and services described in subsection (c)(1)—

(1) for April and May 1988, shall not exceed $2,900,000, of which not less than $400,000 each month shall be available only for medical supplies and medical services; and

(2) for any month thereafter, shall not exceed $2,700,000,

except that each such amount for any month shall be reduced by the cost to the United States Government of the items and services described in subsection (c)(1)) (medical supplies and medical services in the case of the second amount specified in paragraph (1) which were previously, specifically authorized by law for the Nicaraguan democratic resistance and which are delivered to the Nicaraguan democratic resistance under subsection (e) during that month.

(e) TRANSPORTATION.—(1) The President shall transfer to the Agency for International Development, from unobligated funds from the appropriations accounts specified, in section 6, such funds as may be necessary to provide, to the extent consistent with the Sapoa Agreement, transportation for the assistance authorized by subsection (b), including rental and indemnification of aircraft, trucks or other vehicles, and transportation for the items and services described in paragraph (3) of this subsection.

(2) Transportation provided under this subsection may not be used to deliver any assistance for the Nicaraguan democratic resistance other than the assistance authorized by subsection (b) and the items and services described in paragraph (3) of this subsection.

(3) Transportation may be provided under this subsection for items and services described in subsection (c)(1) which were previously, specifically authorized by law for the Nicaraguan democratic resistance.

(f) PROHIBITIONS.—(1) Funds transferred by subsections (b) or (e) may not be obligated or expended to purchase aircraft or weapons, weapons systems, or ammunition or any other item or service not permitted under subsection (c) or to provide any transportation other than transportation permitted under subsection (e).

(2) Except for items delivered under subsection (e)(3), no item authorized by "Title II—Central America" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public

Laws 99-500 and 99-591)[1] or section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202)[2] may be provided to the Nicaragua democratic resistance.

(g) ASSISTANCE FOR YATAMA.—(1) In order to support all elements of the Nicaraguan democratic resistance, assistance authorized by subsection (b) (including the cost of the United States Government of items and services delivered under subsection (e)(3)) in the amount of $2,190,000 shall be provided only to the Indian resistance force known as Yatama.

(2) The Agency for International Development shall ensure that assistance under this subsection for Yatama is provided consistent with the Preliminary Accord signed by Yatama and the Government of Nicaragua on February 2, 1988, and any subsequent agreement based on that Accord.

SEC. 4. DIRECTION, MANAGEMENT AND DELIVERY.—(a) DELIVERY OF ASSISTANCE.—(1) The Agency for International Development shall direct, manage and provide for the delivery of assistance and support to the Nicaraguan democratic resistance through neutral organizations consistent with the Sapoa Agreement and as authorized by this joint resolution.

(2) The President shall transfer not to exceed $2,500,000 from the unobligated funds in the appropriations accounts specified in section 6 for "Operating Expenses of the Agency for International Development" to meet the necessary administrative expenses to carry out the purposes of this joint resolution.

(b) INAPPLICABILITY OF CERTAIN PROHIBITIONS.—Prohibitions on the furnishing of foreign assistance to Nicaragua shall not be construed to apply to the provision within Nicaragua of the assistance authorized by this joint resolution.

(c) ACCOUNTABILITY STANDARDS, PROCEDURES, AND CONTROLS.—In implementing this joint resolution, the Agency for International Development shall adopt standards, procedures, and controls for the accountability of funds comparable to those applicable with respect to the assistance for the Nicaraguan democratic resistance provided under section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202).[2]

(d) INTERAGENCY COOPERATION.—All Government agencies shall cooperate with the Agency for International Development to ensure the orderly, effective direction, management, and delivery by the Agency of assistance for the Nicaraguan democratic resistance. Such cooperation shall include detailing to the Agency, on a reimbursable basis, such personnel as the Agency, with the approval of the President, may request.

(e) SUPPLEMENTAL AUTHORITIES.—In addition to the authorities otherwise available by law to the Agency for International Development, in carrying out this joint resolution, the Agency for International Development may exercise the same authorities, including authorities relating to procurement and expenditure of Government funds other than confidential funds, as the agency administering the assistance provided pursuant to section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202) [2] could exercise with respect to provision of that assistance.

SEC. 5. GENERAL AUTHORITIES AND LIMITATIONS.—(a) REQUIREMENTS DEEMED SATISFIED.—The requirements, terms and conditions of section 104 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100-178),[3] section 8144 of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), section 10 of Public Law 91-672, section 502 of the National Security Act of 1947, section 15(a) of the State Department Basic Authorities Act of 1956, and any other provision of law shall be deemed to have been met for the transfer and use, consistent with the provisions of this joint resolution, of the funds made available by this joint resolution.

(b) CONTINUATION OF LIMITATIONS.—Sections 203(e), 204(b), 207, 209(b), 209(c), and 216 in "Title II—Central America" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591),[4] shall apply with respect to funds made available by this joint resolution, except that section 216 shall not apply with respect to personnel of the Agency for International Development or the Department of State.

SEC. 6. DEFENSE APPROPRIATIONS ACCOUNTS.—The appropriations accounts to which this resolution refers are the following accounts in the Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190):

(1) Missile Procurement, Army;
(2) Other, Procurement, Army;
(3) Other Procurement, Navy;
(4) Missile Procurement, Air Force;
(5) Aircraft Procurement, Air Force; and
(6) Weapons Procurement, Navy;

except that section 1351 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) shall apply.

SEC. 7. AUDIT OF FUNDS.—The Comptroller General shall conduct an independent audit of funds expended in the provision of assistance and support under this joint resolution.

SEC. 8. CHILDREN'S SURVIVAL ASSISTANCE.—(a) AUTHORIZATION.—The President shall transfer to the Agency for International Development $17,700,000 of unobligated funds from the appropriations accounts specified in section 6 to provide medical care and other relief for children who are victims of the Nicaraguan civil strife. Such assistance shall be used to make available prosthetic devices and rehabilitation, provide medicines and immunizations, assist burn victims, help children who have been orphaned, and otherwise provide assistance for children who have been physically injured or displaced by the Nicaraguan civil strife. Priority shall be given to those children with the greatest needs for assistance.

Funds transferred pursuant to this subsection shall remain available until expended.

(b) USE OF PVO'S AND INTERNATIONAL RELIEF ORGANIZATIONS.—Assistance pursuant to this section shall be provided only through nonpolitical private and voluntary organizations and international relief organizations. Preference in the distribution of such assistance shall be given to organizations presently providing similar services such as the Catholic Relief Services, International Committee of the Red Cross, CARE, United Nations Children's Fund, United Nations High Commissioner for Refugees, Partners of the Americas, and the Pan-American Health Organization.

(c) CHILDREN IN NICARAGUA.—At least one-half of the assistance provided under this section shall be provided through nonpolitical private and voluntary organizations and international relief organizations operating inside Nicaragua. None of this assistance may be provided to or through the Government of Nicaragua.

SEC. 9. VERIFICATION COMMISSION.—The President shall transfer to the Agency for International Development $10,000,000 of unobligated funds from the appropriations accounts specified in section 6 for periodic payments to support the activities of the Verification Commission established by the Sapoa Agreement. Funds transferred pursuant to this section shall remain available until expended.

26. Intelligence Authorization Act, Fiscal Year 1989
(P.L. 100-453, September 29, 1988)

* * * * * * *

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated and expended during fiscal year 1989 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorization referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

27. National Defense Authorization Act, Fiscal Year 1989
(P.L. 100-456, Sepetmber 29, 1988, as amended)

TITLE XIII—FOREIGN RELATIONS MATTERS

SEC. 1304. SENSE OF CONGRESS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

Congress hereby reaffirms the sense of Congress expressed in the first session of the 99th Congress (in section 1451 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 760)), that United States Armed Forces should not be introduced into or over Nicaragua for combat. However, nothing in this section shall be construed as affecting the authority and responsibility of the President or Congress under the Constitution, statutes, or treaties of the United States in force.

28. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (P.L. 100-461, November 18, 1989)

TITLE II—BILATERAL ECONOMIC ASSISTANCE

Provided further, That not to exceed $2,000,000 of the funds appropriated under this heading shall be made available notwithstanding any other provision of law to the National Endowment for Democracy for the promotion of democracy in Nicaragua: *Provided further,* That these funds are to be administered consistent with the Agreement between the Government of Nicaragua and the Nicaraguan Resistance signed March 23, 1988 at Sapoa, Nicaragua ("Sapoa Agreement") and the Guatemala Peace Accords of August 7, 1987: *Provided further,* That such assistance (1) shall be provided to internal groups that have renounced violence and support a negotiated settlement to the conflict in Nicaragua, including independent elements of the press, independent labor unions, independent business groups, and independent human rights groups, and (2) may not be provided to any group that is affiliated with or supportive of any armed opposition group: *Provided further,* That the manner in which these funds are used shall not be inconsistent with the Sapoa Agreement, as its terms are applied and monitored for acceptability by the Verification Commission established by that Agreement:

Provided further, That funds made available under this heading shall remain available until September 30, 1990.

29. Department of Defense Appropriations Act, 1989 (P.L. 100-463, October 1, 1988)

AN ACT Making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1989, and for other purposes, namely:

* * * * * * *

TITLE VIII

GENERAL PROVISIONS

* * * * * * *

SEC. 8097. None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States Government may be obligated or expended during fiscal year 1989 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 104 of the Intelligence Authorization Act for fiscal year 1989.[1]

* * * * * * *

TITLE IX—ASSISTANCE FOR THE NICARAGUAN RESISTANCE

SEC. 9001. POLICY.

It is the policy of the United States to advance peace and democracy in Central America and to protect American security interests in the region. In pursuing that policy it is the objective of the United States to seek a just and lasting peace for the region in a manner compatible with the Esquipulas Accord of August 7, 1987, the declaration of the Central American presidents at San Jose, Costa Rica, on January 16, 1988, the Sapoa Agreement of March 23, 1988, and United States national security interests in the region.

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[1] Sec. 104 of the Intelligence Authorization Act, Fiscal Year 1989 (Public Law 100-453, 102 Stat. 1905), provided the following:

"RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

"SEC. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States may be obligated and expended during fiscal year 1989 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance."

SEC. 9002. SPECIAL CONDITIONS WARRANTING EXPEDITED PROCEDURES FOR LEGISLATION CONCERNING TRANSPORTATION OF PREVIOUSLY APPROPRIATED ASSISTANCE HELD IN TITLE BY THE NICARAGUAN RESISTANCE.

If, at any time after enactment of this Act and before the adjournment sine die of the second session of the One Hundredth Congress—

(1) the President finds that the Government of Nicaragua has caused an emergency situation in Central America which is having a critical impact on peace and stability of that region, and

(2) the President has consulted with the presidents of Costa Rica, El Salvador, Honduras, and Guatemala regarding that emergency situation, and

(3) the President submits to the Congress the report described in section 9004(a), and

(4) the President requests the Congress to consider legislation which would authorize the transportation to the Nicaraguan Resistance of previously appropriated assistance held in title by the Nicaraguan Resistance and, if necessary, provide authority for (a) the interchangeability of such assistance with equipment of comparable value and purpose which is owned by the United States, and (b) the transportation of humanitarian and military assistance in the same transportation system, and

(5) the House of Representatives has passed legislation, with or without amendments, with respect to the request under paragraph (4),

then a joint resolution described in section 9013(a)(1), shall be considered in the Senate in accordance with the procedures specified in section 9013 of this title.

SEC. 9003. RESTRICTIONS REGARDING THE EMERGENCY TRANSPORT OF PREVIOUSLY APPROPRIATED ASSISTANCE HELD IN TITLE BY THE NICARAGUAN RESISTANCE.

(a) IN GENERAL.—This section shall only apply upon the enactment of legislation, considered in the Senate in accordance with section 9013, authorizing the transportation to the Nicaraguan Resistance of previously appropriated assistance not to exceed $16,500,000 held in title by the Nicaraguan Resistance and, if necessary, providing authority for the interchangeability of such assistance with equipment of comparable value and purpose which is owned by the United States.

(b) FUNDS FOR TRANSPORTATION.—(1) There shall be transferred to the Secretary of State from unobligated funds from appropriations accounts specified in section 9011—

(A) such sums as are necessary to carry out the transportation requirements described in subsection (a), but not to exceed $5,000,000; and

(B) such sums as are necessary to provide for the indemnification of aircraft leased with funds transferred under clause (A), but not to exceed $20,000,000.

(2) The Secretary of State shall transfer the balance, if any, remaining of funds transferred under paragraph (1)(B) to the appropriations accounts from which such funds were transferred under such paragraph when the transportation requirements described in subsection (a) have been met.

(c) MONITORING BY CONGRESSIONAL COMMITTEES.—(1) The chairmen and ranking minority members of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate shall be kept fully and currently informed regarding the transportation or exchange of any assistance described in subsection (a), including the value and purpose of the items transported or exchanged and the costs of such transportation.

(2) For purposes of this subsection, the term "fully and currently informed" includes the provision of all records, data, and other information necessary to carry out the monitoring of activities described in this subsection.

(d) ROLE OF THE SECRETARY OF STATE.—The Secretary of State (or his designee) shall be responsible for support, coordination, and supervision of the transportation of assistance described in subsection (a). Such support shall involve the provision of funds as well as the provision and transportation of materiel and other assistance.

(e) The authority granted by this section expires upon delivering of previously appropriated assistance and interchanged assistance authorized by this section.

SEC. 9004. REPORTS.

(a) PRESIDENTIAL REPORT.—At the time of the submission to the Congress by the President of any request for the authority described in section 9002(4), the President shall submit to the Congress a report containing—

(1) a detailed discussion and substantial evidence of the nature of the emergency situation in or adjacent to Nicaragua caused by actions taken by the Government of Nicaragua having a critical impact on peace and stability of the Central American region,

(2) a description of the recommendations made by the presidents of the Central American democracies consulted in accordance with section 9002(2), and

(3) the justification for the transport to the Nicaraguan Resistance of previously appropriated assistance held in title by the Nicaraguan Resistance,

including specific information pertaining to at least two of the following three actions:

(A) Sandinista initiation of an unprovoked military attack and any other hostile action directed against the forces of the Nicaraguan Resistance, as well as participation or support of any hostile actions against such forces by any other foreign country or organized group;

(B) Other blatant violations of the Esquipulas Accord of August 7, 1987, such as suppression of the media and the internal political opposition, including a denial of its rights to assemble and to hold peaceful demonstrations, and other human rights violations against the people of Nicaragua; and

(C) A continued unacceptable level of military assistance by Soviet-bloc countries, including Cuba.

(b) MONTHLY REPORT BY THE SECRETARY OF STATE.—The Secretary of State shall, not less than once every 30 days after the date of enactment of this Act until the funds provided under this title are expended, submit to the intelligence committees and foreign relations committees of the Congress a report—

(1) describing the conditions in Nicaragua and the use of the funds provided under this title;

(2) a detailed statement of any progress toward a negotiated settlement of the armed conflict in Central America, as agreed to under the Esquipulas Accord of August 7, 1987;

(3) a detailed discussion of United States efforts since the signing of the Sapoa agreement to encourage the Soviet Union to restrict the shipment of Soviet arms to the Government of Nicaragua and specifying Soviet reaction to such efforts;

(4) a discussion reviewing the status of United States national security interests in Central America, with particular attention to the advisability of entering into bilateral negotiations with the Government of Nicaragua concerning—

(A) the termination of the presence of Soviet and Soviet-bloc (including Cuban) military and security advisors in Nicaragua;

(B) the termination of Soviet and Soviet-bloc (including Cuban) assistance to the Government of Nicaragua; and

(C) a prohibition on the establishment or use of bases in Nicaragua by the Soviet Union or any Soviet-bloc country, including Cuba;

(5) a description of United States diplomatic efforts in support of the Esquipulas Accord of August 7, 1987, and the Sapoa Agreement of March 23, 1988, and an analysis of the actions taken by the Nicaraguan Resistance and the Government of Nicaragua to negotiate a settlement under the provisions of these agreements;

(6) an evaluation of the effect that additional military assistance for the Nicaraguan Resistance would have on political and economic stability in Honduras, Costa Rica, and El Salvador, as well as how such assistance would advance the process of negotiation and political settlement in Nicaragua;

(7) a description of the progress made by economic development programs that have been implemented in Honduras, El Salvador, and Costa Rica since the Esquipulas Accord of August 7, 1987, was signed and what effect renewed fighting in Nicaragua would have on these programs; and

(8) a discussion of the policies of the European allies of the United States and the Latin American democracies (outside Central America) toward Central America, and the extent of their support for and cooperation with United States policies regarding the Nicaraguan Resistance.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "intelligence committees" refers to the Permanent Select Committee on Intelligence of the House of Repre-

sentatives and the Select Committee on Intelligence of the Senate; and

(2) the term "foreign relations committees" refers to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 9005. PROHIBITION.

Except as provided in this title, no additional assistance may be provided to the Nicaraguan Resistance unless the Congress enacts a law specifically authorizing such assistance.

SEC. 9006. ADDITIONAL HUMANITARIAN ASSISTANCE.

(a) TRANSFER OF FUNDS.—The President shall transfer to the Agency for International Development, from unobligated funds from the appropriations accounts specified in section 9011—

(1) $27,140,000, to provide humanitarian assistance to the Nicaraguan Resistance, to remain available through March 31, 1989, except that funds provided by this subsection shall not be obligated for humanitarian assistance prior to October 1, 1988; and

(2) such funds as may be necessary to provide transportation in accordance with section 9007 for assistance authorized by paragraph (1).

(b) DEFINITION.—For purposes of this section and section 9007, the term "humanitarian assistance" means—

(1) food, clothing, and shelter;

(2) medical services, medical supplies, and nonmilitary training for health and sanitation;

(3) nonmilitary training of the recipients with respect to their treatment of civilians and other armed forces personnel, in accordance with internationally accepted standards of human rights;

(4) payment for such items, services, and training; and

(5) replacement batteries for existing communications equipment.

SEC. 9007. TRANSPORTATION OF HUMANITARIAN ASSISTANCE.

(a) IN GENERAL.—The transportation of humanitarian assistance on or after the date of enactment of this Act which, before such date, was specifically authorized by law to be provided to the Nicaraguan Resistance, or which is authorized to be provided by section 9006, shall be arranged—

(1) in the case of the forces of the Nicaraguan resistance outside Nicaragua, solely by the Agency for International Development; and

(2) in the case of the forces of the Nicaraguan resistance in Nicaragua, solely by the Agency for International Development, acting through the Nicaraguan resistance, the Pan American Development Foundation, or a similar nongovernmental organization, consistent with the provisions of the Sapoa Agreement and any subsequent agreement between the parties to the armed conflict in Nicaragua.

(b) PROHIBITION ON MIXED LOADS.—Transportation of any military assistance, or of any assistance other than that specified in section 9006(b), is prohibited.

SEC. 9008. MEDICAL ASSISTANCE.

There are hereby transferred to the Administrator of the Agency for International Development from unobligated funds from appropriations accounts specified in section 9011, $5,000,000, to be used only for the provision of medical assistance for the civilian victims of the Nicaraguan civil strife to be transported and administered by the Catholic Church in Nicaragua.

SEC. 9009. UNITED STATES POLICY CONCERNING ECONOMIC ASSISTANCE FOR CENTRAL AMERICA.

As part of an effort to promote democracy and address on a long-term basis the economic causes of regional and political instability in Central America—

(1) in recognition of the recommendations of groups such as the National Bipartisan Commission on Central America, the Inter-American Dialogue, and the Sanford Commission,

(2) to assist in the implementation of these economic plans and to encourage other countries in other parts of the world to join in extending assistance to Central America,

(3) and in the context of an agreement to end military conflict in the region,

the Congress encourages the President to submit proposals for bilateral and multilateral action—

(A) to provide additional economic assistance to the democratic countries of Central America to promote economic stability, expand educational opportunity, foster progress in human rights, bolster democratic institutions, and strengthen institutions of justice;

(B) to facilitate the ability of Central American economies to grow through the development of their infrastructure, expansion of exports, and the strengthening of increased investment opportunities;

(C) to provide a more realistic plan to assist Central American countries in managing their foreign debt; and

(D) to develop these initiatives in concert with Western Europe, Japan, and other democratic allies.

SEC. 9010. ECONOMIC INCENTIVES FOR DEMOCRACY IN NICARAGUA SIMILAR TO THOSE AVAILABLE TO CENTRAL AMERICAN DEMOCRACIES.

(a) CONDITION ON TERMINATION OF TRADE EMBARGO AND PROVISION OF RELOCATION ASSISTANCE.—(1) If the Government of Nicaragua and the Nicaraguan Resistance sign a comprehensive final agreement to provide for peace and democracy in Nicaragua, then—

(A) the President shall terminate the trade embargo imposed against Nicaragua by Executive order 12513[2] of May 1, 1985; and

(B) there shall be transferred to the President from unobligated funds from the appropriations accounts specified in section 9011, $10,000,000, to remain available for a period of twelve months after the signing of the agreement, to provide assistance for the relocation in Nicaragua and the reintegration into Nicaraguan civil society of members of the Nicaraguan Resistance, and the Nicaraguans outside Nicaragua displaced by the conflict.

(2) Nothing in this section shall be construed to limit the authority of the President under the International Emergency Economic Powers Act.

(b) TRADE BENEFITS.—On or after the date which is 180 days after the date of signing of the agreement described in subsection (a), if the President certifies to the Congress that the Government of Nicaragua is continuing to comply with that agreement, then the President may, notwithstanding any other provision of law—

(1) designate Nicaragua a beneficiary country for purposes of proposals referred to in section 9009 and for purposes of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.);

(2) designate Nicaragua a beneficiary developing country for purposes of title V of the Trade Act of 1974 (relating to the generalized system of preferences); and

(3) authorize loan assistance to Nicaragua under the Export-Import Bank Act of 1945.

(c) INTERPRETATION.—Authority granted by subsections (a) and (b) shall be in addition to, and shall not be construed to limit, authority otherwise available to the President by law.

SEC. 9011. AVAILABLE APPROPRIATIONS ACCOUNTS.

The appropriations accounts referred to in sections 9003(b), 9006, 9008, and 9010(a)(1)(B) are non-ammunition procurement accounts in any of the following:

(1) the Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(2) the Department of Defense Appropriations Act, 1987, as contained in section 101(c) of the further continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591); and

(3) the Department of Defense Appropriations Act, 1988, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1988 (Public Law 100-202).

SEC. 9012. PROHIBITION ON THE USE OF CERTAIN FUNDS.

Except as provided in this title, no funds available to any agency or entity of the United States Government under this title may be obligated or expended pursuant to section 502(a)(2) of the National Security Act of 1947 for the purpose of providing funds, materiel, or other assistance to the Nicaraguan Resistance to support military or paramilitary operations in Nicaragua.

SEC. 9013. CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTIONS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "joint resolution" means, except as otherwise provided, only a joint resolution or bill described in section 9002(5) which originated in the House of Representatives and is received in the Senate;

(2) the term "session days" means days on which the Senate is in session.

(b) REFERRAL OF JOINT RESOLUTION.—A joint resolution referred in the Senate shall be referred to the Committee on Foreign Relations of the Senate.

(c) COMMITTEE ACTION.—(1) If the Committee on Foreign Relations has not reported such joint resolution (or an identical joint resolution) at the end of 3 session days after its introduction, such Committee shall be discharged from further consideration of such joint resolution, and such joint resolution shall be placed on the appropriate calendar of the Senate.

(2) After the Committee on Foreign Relations reports or is discharged from a joint resolution, no other joint resolution with respect to the same matter may be reported by or be discharged from such Committee while the first joint resolution is before the Senate (including remaining on the calendar), a committee of conference, or the President.

(d) FLOOR ACTION.—(1) When the Committee on Foreign Relations has reported, or has been discharged under subsection (c) from further consideration of such joint resolution, notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for the Majority Leader, after consultation with the Minority Leader, to move to proceed to the consideration of the joint resolution and, except as provided in paragraph (2) of this subsection (insofar as it relates to germaneness and relevancy of amendments), all points of order against the joint resolution and consideration of the joint resolution are waived. The motion is privileged in the Senate and is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall be in order, except that such motion may not be entered for future disposition. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate, to the exclusion of all other business, until disposed of.

(2)(A) Consideration in the Senate of the joint resolution, and all amendments and debatable motions in connection therewith, shall be limited to not more than 10 hours, which, except as otherwise provided in this section, shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader, or by their designees. The Majority Leader or the Minority Leader or their designees may, from the time under their control on the joint resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(B)(i) Subject to subparagraph (ii), only amendments which are germane and relevant to the joint resolution are in order. Debate on any amendment to the joint resolution shall be limited to 2 hours, except that debate on any amendment to an amendment shall be limited to 1 hour. The time of debate for each amendment shall be equally divided between, and controlled by, the mover of the amendment and the manager of the joint resolution, except that in the event the manager is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(ii) It shall be in order for the Majority Leader or the Minority Leader to offer one amendment to strike out the text of the House originated measure and insert in lieu thereof the following text: "That the Congress hereby authorizes the President to transport to the Nicaraguan Resistance all previously appropriated assistance held in title by the Nicaraguan Resistance and provides, if requested, (A) the authority for the interchangeability of the assistance with certain equipment, and (B) the transportation of humanitarian and military assistance in the same transportation system.".

(C) A motion to postpone the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is in order, except that such motion may not be entered for future disposition, and debate on such motion shall be limited to 1 hour.

(3) Whenever all the time for debate on a joint resolution has been used or yielded back, no further amendments may be proposed, and the vote on the adoption of the joint resolution shall occur, except that a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate may occur immediately before such vote.

(4) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate to the procedure relating to a joint resolution shall be limited to one-half hour of debate, equally divided between, and controlled by, the Senator making the appeal and the manager of the joint resolution, except that in the event the manager is in favor of any such appeal, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(e) RESOLUTION OF DIFFERENCES BETWEEN THE HOUSE AND THE SENATE.—(1)(A) The time for debate in a House of Congress on all motions required for the disposition of amendments between the Houses shall not exceed 2 hours, equally divided between, and controlled by, the mover of the motion and the manager of the joint resolution at each stage of the proceedings between the two Houses, except that in the event the manager is in favor of any such motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee. In the case of any disagreement between the two Houses of Congress with respect to a joint resolution which is not resolved, any Member of Congress may make any motion or motions referred to in this subparagraph within 2 session days after action by the second House or before the appointment of conferees, whichever comes first. In the event the conferees are unable to agree within 72 hours after the second House is notified that the first House has agreed to conference, they shall report back to their respective House in disagreement.

(B) Notwithstanding any rule in either House of Congress concerning the printing of conference reports in the Congressional Record or concerning any delay in the consideration of such reports, such report, including a report filed or returned in disagreement, shall be acted on in the House of Representatives and the Senate not later than 2 session days after the first House files the report or, in the case of the Senate acting first, the report is first made available on the desks of the Senators. Debate in a House of Congress on a conference report or a report filed or returned in disagreement on any such joint resolution shall be limited to 3 hours, equally divided between, and controlled by, the Majority Leader and the Minority Leader, and their designees.

(2) If a joint resolution is vetoed by the President, the time for debate in consideration of the veto message on such measure shall be limited to 6 hours in each House of Congress, equally divided between, and controlled by, the Majority Leader and the Minority Leader, or their designees.

(f) CONGRESSIONAL RULEMAKING POWERS.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, (insofar as it applies to that House), but applicable only with respect to the procedure to be followed in that House in the case of legislation described in this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 9014. STANDARDS, PROCEDURES, CONTROLS AND OVERSIGHT.

(a) ACCOUNTABILITY STANDARDS, PROCEDURES, AND CONTROL.—In implementing this title, the Agency for International Development, and any other agency of the United States Government authorized to carry out activities under this title, shall adopt the standards, procedures, and controls for the accountability of funds comparable to those applicable with respect to the assistance for the Nicaraguan Resistence [3] provided under section 111 of the joint resolution making further continuing appropriations for the fiscal year 1988 (Public Law 100-202),[4] any changes in such standards, procedures, and controls shall be developed and adopted in consultation with the Committees on Intelligence and Foreign Relations pursuant to subsection (b).

(b) CONGRESSIONAL OVERSIGHT.—Oversight within the House of Representatives and the Senate with respect to activities under this title shall be—

(1) with respect to nonlethal assistance, within the jurisdiction of the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate;

(2) with respect to lethal assistance, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and

(3) with respect to both lethal and non-lethal assistance, the Committees on Appropriations of the House and Senate.

(c) DEFINITION.—For purposes of subsection (a), the term "intelligence committees of the Congress" refers to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) The provisions of the Act of April 1, 1988 (Public Law 100-276)[5] contained in subsections (b), (d), and (e) of section 4 and section 5 shall apply to the provision of assistance under this title except that section 4(d) shall not apply to the Intelligence Community.

(e) AID ADMINISTRATIVE EXPENSES.—There shall be transferred from unobligated funds from appropriations accounts specified in section 9011 not to exceed $4,000,000 to "Operating Expenses of the Agency for International Development" to meet the necessary administrative expenses to carry out this title.

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[5] Central American Peace Assistance.

L. Panama

1. Convention for the Construction of a Ship Canal (Hay-Bunau-Varilla Treaty), 1903

Concluded November 18, 1903; ratification advised by the Senate February 23, 1904; ratified by President February 25, 1904; ratifications exchanged February 26, 1904; proclaimed February 26, 1904. (U.S. Stats., vol. 33.) Abrogated by Panama Canal Treaty, 1977, Article I.

ARTICLES

I. Independence of Panama.
II. Canal Zone.
III. Authority in Canal Zone.
IV. Subsidy rights.
V. Monopoly for construction, etc.
VI. Private property.
VII. Panama; Colón; harbors.
VIII. Panama Canal Company and railroad.
IX. Ports at entrance of Canal.
X. Taxes, etc.
XI. Official dispatches.
XII. Access of employees.
XIII. Importation into zone.
XIV. Compensation.
XV. Joint commission.
XVI. Extradition.
XVII. Ports of Panama.
XVIII. Neutrality rules.
XIX. Free transport.
XX. Cancellation of existing treaties.
XXI. Anterior debts, concessions, etc.
XXII. Renunciation of rights under concessionary contracts.
XXIII. Protection of Canal.
XXIV. Change in government, laws, etc.
XXV. Coaling stations.
XXVI. Ratification.

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oecans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention and have accordingly appointed as their plenipotentiaries,—

The President of the United States of America, John Hay, Secretary of State, and

The Government of the Republic of Panama, Philippe Bunau-Varilla, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, thereunto specially empowered by said government, who after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

The United States guarantees and will maintain the independence of the Republic of Panama.

ARTICLE II

The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of said Canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the Canal to be constructed; the said zone beginning in the Caribbean Sea three marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific ocean to a distance of three marine miles from mean low water mark with the proviso that the cities of Panamá and Colón and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named, Perico, Naos, Culebra and Flamenco.

ARTICLE III

The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

ARTICLE IV

As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes and other bodies of water within its limits for navigation, the supply of water or water-power or other purposes, so far as the use of said rivers, streams, lakes and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal.

ARTICLE V

The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific ocean.

ARTICLE VI

The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any Article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation and protection of the said Canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint Commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States. No part of the work on said Canal or the Panama railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

ARTICLE VII

The Republic of Panama grants to the United States within the limits of the cities of Panamá and Colón and their adjacent harbors and within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights or other properties necessary and convenient for the construction, maintenance, operation and protection of the Canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panamá and Colón, which in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal and railroad. All such works of sanitation, collection and disposition of sewage and distribution of water in the cities of Panamá and Colón shall be made at the expense of the United States, and the Government of the United States, its agents or nominees shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of fifty years and upon the expiration of said term of fifty years the system of sewers and water works shall revert to and become the properties of the cities of Panamá and Colón respectively, and the use of the water shall be free to the inhabitants of Panamá and Colón, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.

The Republic of Panama agrees that the cities of Panamá and Colón shall comply in perpetuity with the sanitary ordinances whether of a preventive or curative character prescribed by the United States and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panamá and Colón with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panamá and Colón and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

ARTICLE VIII

The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties and concessions as well as the Panama Railroad and all the shares or part of the shares of that company; but the public lands situated outside of the zone described in Article II of this treaty now included in the concessions to both said enterprises and not required in the construction or operation of the Canal shall revert to the Republic of Panama except any property now owned by or in the possession of said companies within Panamá or Colón or the ports or terminals thereof.

ARTICLE IX

The United States agrees that the ports at either entrance of the Canal and the waters thereof, and the Republic of Panama agrees that the towns of Panamá and Colón shall be free for all time so that there shall not be imposed or collected custom house tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the Canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation and protection of the main Canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the Canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colón and Panamá and which do not cross the Canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panamá and Colón such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panamá and Colón as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the Canal and for other works pertaining to the Canal.

ARTICLE X

The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the Canal, the railways and auxiliary works, tugs and other vessels employed in the service of the Canal, store houses, work shops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the Canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panamá and Colón, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the Canal and railroad and auxiliary works.

ARTICLE XI

The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

ARTICLE XII

The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the Canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said Canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

ARTICLE XIII

The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation and protection of the Canal and auxiliary works, and all provisions, medicines, clothing, supplies and other things necessary and convenient for the officers, employees, workmen and laborers in the service and employ of the United States and for their families.

If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

ARTICLE XIV

As the price or compensation for the rights, powers and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars ($10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of two hundred and fifty thousand dollars ($250,000) in like gold coin, beginning nine years after the date aforesaid.

The provisions of this Article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this Article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

ARTICLE XV

The joint commission referred to in Article VI shall be established as follows:

The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision; but in case of disagreement of the Commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments who shall render the decision. In the event of the death, absence, or incapacity of a Commissioner or Umpire, or of his omitting, declining or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the Commission or by the Umpire shall be final.

ARTICLE XVI

The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies and misdemeanors within said zone and auxiliary lands.

ARTICLE XVII

The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the Canal enterprise, and for all vessels passing or bound to pass through the Canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

ARTICLE XVIII

The Canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section I of Article three of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

ARTICLE XIX

The Government of the Republic of Panama shall have the right to transport over the Canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

ARTICLE XX

If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor the Government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modification or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

ARTICLE XXI

The rights and privileges granted by the Republic of Panama to the United States in the preceding Articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other Governments, corporations, syndicates or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

ARTICLE XXII

The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the Canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Company and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification therof; and it likewise renounces, confirms and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of ninety-nine years of the concessions granted to or held by the above mentioned party and companies, and all right, title and interest which it now has or many hereafter have, in and to the lands, canal, works, property and rights held by the said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might or may in the future either by lapse of time, forfeiture or otherwise, revert to the Republic of Panama, under any contracts or concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company and the New Panama Canal Company.

The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Panama and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

ARTICLE XXIII

If it should become necessary at any time to employ armed forces for the safety or protection of the Canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

ARTICLE XXIV

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other Government or into any union or confederation of states, so as to merge her sovereignty or independence in such Government, union or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

ARTICLE XXV

For the better performance of the engagements of this convention and to the end of the efficient protection of the Canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

ARTICLE XXVI

This convention when signed by the Plenipotentiaries of the Contracting Parties shall be ratified by the respective Governments and the ratifications shall be exchanged at Washington at the earliest date possible.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the City of Washington the 18th day of November in the year of our Lord nineteen hundred and three.

JOHN HAY [SEAL]
P. BUNAU VARILLA [SEAL]

2. General Treaty of Friendship and Cooperation, 1936

General Treaty of Friendship and Cooperation Between the United States of America and Panama, 1936

Signed at Washington, March 2, 1936; ratification advised by the Senate of the United States, July 25, 1939; ratified by the President of the United States, July 26, 1939; ratified by Panama, July 17, 1939; ratifications exchanged at Washington, July 27, 1939; proclaimed by the President of the United States, July 27, 1939. Abrogated by Panama Canal Treaty, 1977, Article I.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Treaty between the United States of America and the Republic of Panama to strengthen further the bonds of friendship and cooperation between the two countries and to regulate on a stable and mutually satisfactory basis certain questions which have arisen as a result of the construction of the interoceanic canal across the Isthmus of Panama was concluded and signed by their respective Plenipotentiaries at Washington on the second day of March, one thousand nine hundred and thirty-six, the original of which Treaty, being in the English and Spanish languages, is word for word as follows:

The United States of America and the Republic of Panama, animated by the desire to strengthen further the bonds of friendship and cooperation between the two countries and to regulate on a stable and mutually satisfactory basis certain questions which have arisen as a result of the construction of the interoceanic canal across the Isthmus of Panama, have decided to conclude a treaty, and have designated for this purpose as their Plenipotentiaries:

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America, and Mr. Sumner Welles, Assistant Secretary of State of the United States of America; and

The President of the Republic of Panama:

The Honorable Doctor Ricardo J. Alfaro, Envoy Extraordinary and Minister Plenipotentiary of Panama to the United States of America, and The Honorable Doctor Narciso Garay, Envoy Extraordinary and Minister Plenipotentiary of Panama on special mission;

Who, having communicated their respective full powers to each other, which have been found to be in good and due form, have agreed upon the following:

ARTICLE I

Article I of the Convention of November 18, 1903, is hereby superseded.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of Panama and between their citizens.

In view of the official and formal opening of the Panama Canal on July 12, 1920, the United States of America and the Republic of Panama declare that the provisions of the Convention of November 18, 1903, contemplate the use, occupation and control by the United States of America of the Canal Zone and of the additional lands and waters under the jurisdiction of the United States of America for the purposes of the efficient maintenance, operation, sanitation and protection of the Canal and of its auxiliary works.

The United States of America will continue the maintenance of the Panama Canal for the encouragement and use of interoceanic commerce, and the two Governments declare their willingness to cooperate, as far as it is feasible for them to do so, for the purpose of insuring the full and perpetual enjoyment of the benefits of all kinds which the Canal should afford the two nations that made possible its construction as well as all nations interested in world trade.

ARTICLE II

The United States of America declares that the Republic of Panama has loyally and satisfactorily complied with the obligations which it entered into under Article II of the Convention of November 18, 1903, by which it granted in perpetuity to the United States the use, occupation and control of the zone of land and land under water as described in the said Article, of the islands within the limits of said zone, of the group of small islands in the Bay of Panama, named Perico, Naos, Culebra and Flamenco, and of any other lands and waters outside of said zone necessary and convenient for the construction, maintenance, operation, sanitation and protection of the Panama Canal or of any auxiliary canals or other works, and in recognition thereof the United States of America hereby renounces the grant made to it in perpetuity by the Republic of Panama of the use, occupation and control of lands and waters, in addition to those now under the jurisdiction of the United States of America outside of the zone as described in Article II of the aforesaid Convention, which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the Panama Canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said enterprise.

While both Governments agree that the requirement of further lands and waters for the enlargement of the existing facilities of the Canal appears to be improbable, they nevertheless recognize, subject to the provisions of Articles I and X of this Treaty, their joint obligation to insure the effective and continuous operation of the Canal and the preservation of its neutrality, and consequently, if, in the event of some now unforeseen contingency, the utilization of lands or waters additional to those already employed should be in fact necessary for the maintenance, sanitation or efficient operation of the Canal, or for its effective protection, the Governments of the United States of America and the Republic of Panama will agree upon such measures as it may be necessary to take in order to insure the maintenance, sanitation, efficient operation and effective protection of the Canal, in which the two countries are jointly and vitally interested.

ARTICLE III

In order to enable the Republic of Panama to take advantage of the commercial opportunities inherent in its geographical situation, the United States of America agrees as follows:

1) The sale to individuals of goods imported into the Canal Zone or purchased, produced or manufactured therein by the Government of the United States of America shall be limited by it to the persons included in classes (a) and (b) of Section 2 of this Article; and with regard to the persons included in classes (c), (d) and (e) of the said Section and members of their families, the sales above mentioned shall be made only when such persons actually reside in the Canal Zone.

2) No person who is not comprised within the following classes shall be entitled to reside within the Canal Zone:

(a) Officers, employees, workmen or laborers in the service or employ of the United States of America, the Panama Canal or the Panama Railroad Company, and members of their families actually residing with them;

(b) Members of the armed forces of the United States of America and members of their families actually residing with them;

(c) Contractors operating in the Canal Zone and their employees, workmen and laborers during the performance of contracts;

(d) Officers, employees or workmen of companies entitled under Section 5 of this Article to conduct operations in the Canal Zone;

(e) Persons engaged in religious, welfare, charitable, educational, recreational and scientific work exclusively in the Canal Zone;

(f) Domestic servants of all the beforementioned persons and members of the families of the persons in classes (c), (d) and (e) actually residing with them.

3) No dwellings belonging to the Government of the United States of America or to the Panama Railroad Company and situated within the Canal Zone shall be rented, leased, or sublet except to persons within classes (a) to (e), inclusive of Section 2 hereinabove.

4) The Government of the United States of America will continue to cooperate in all proper ways with the Government of the Republic of Panama to prevent violations of the immigration and customs laws of the Republic of Panama, including the smuggling into territory under the jurisdiction of the Republic of goods imported into the Canal Zone or purchased, produced or manufactured therein by the Government of the United States of America.

5) With the exception of concerns having a direct relation to the operation, maintenance, sanitation or protection of the Canal, such as those engaged in the operation of cables, shipping, or dealing in oil or fuel, the Government of the United States of America will not permit the establishment in the Canal Zone of private business enterprises other than those existing therein at the time of the signature of this Treaty.

6) In view of the proximity of the port of Balboa to the city of Panamá and of the port of Cristobal to the city of Colón, the United States of America will continue to permit, under suitable regulations and upon the payment of proper charges, vessels entering at or clearing from the ports of the Canal Zone to use and enjoy the dockage

and other facilities of the said ports for the purpose of loading and unloading cargoes and receiving or disembarking passengers to or from the territory under the jurisdiction of the Republic of Panama.

The Republic of Panama will permit vessels entering at or clearing from the ports of Panamá or Colón, in case of emergency and also under suitable regulations and upon the payment of proper charges, to use and enjoy the dockage and other facilities of said ports for the purpose of receiving or disembarking passengers to or from the territory of the Republic of Panama under the jurisdiction of the United States of America, and of loading and unloading cargoes either in transit or destined for the service of the Canal or of works pertaining to the Canal.

7) The Government of the United States of America will extend to private merchants residing in the Republic of Panama full opportunity for making sales to vessels arriving at terminal ports of the Canal or transiting the Canal, subject always to appropriate administrative regulations of the Canal Zone.

ARTICLE IV

The Government of the Republic of Panama shall not impose import duties or taxes of any kind on goods destined for or consigned to the agencies of the Government of the United States of America in the Republic of Panama when the goods are intended for the official use of such agencies, or upon goods destined for or consigned to persons included in classes (a) and (b) in Section 2 of Article III of this Treaty, who reside or sojourn in territory under the jurisdiction of the Republic of Panama during the performance of their service with the United States of America, the Panama Canal or the Panama Railroad Company, when the goods are intended for their own use and benefit.

The United States of America shall not impose import duties or taxes of any kind on goods, wares and merchandise passing from territory under the jurisdiction of the Republic of Panama into the Canal Zone.

No charges of any kind shall be imposed by the authorities of the United States of America upon persons residing in territory under the jurisdiction of the Republic of Panama passing from the said territory into the Canal Zone, and no charges of any kind shall be imposed by the authorities of the Republic of Panama upon persons in the service of the United States of America or residing in the Canal Zone passing from the Canal Zone into territory under the jurisdiction of the Republic of Panama, all other persons passing from the Canal Zone into territory under the jurisdiction of the Republic of Panama being subject to the full effects of the immigration laws of the Republic.

In view of the fact that the Canal Zone divides the territory under the jurisdiction of the Republic of Panama, the United States of America agrees that, subject to such police regulations as circumstances may require, Panamanian citizens who may occasionally be deported from the Canal Zone shall be assured transit through the said Zone, in order to pass from one part to another of the territory under the jurisdiction of the Republic of Panama.

ARTICLE V

Article IX of the Convention of November 18, 1903, is hereby superseded.

The Republic of Panama has the right to impose upon merchandise destined to be introduced for use or consumption in territory under the jurisdiction of the Republic of Panama, and upon vessels touching at Panamanian ports and upon the officers, crew or passengers of such vessels, the taxes or charges provided by the laws of the Republic of Panama; it being understood that the Republic of Panama will continue directly and exclusively to exercise its jurisdiction over the ports of Panamá and Colón and to operate exclusively with Panamanian personnel such facilities as are or may be established therein by the Republic or by its authority. However, the Republic of Panama shall not impose or collect any charges or taxes upon any vessel using or passing through the Canal which does not touch at a port under Panamanian jurisdiction or upon the officers, crew or passengers of such vessels, unless they enter the Republic; it being also understood that taxes and charges imposed by the Republic of Panama upon vessels using or passing through the Canal which touch at ports under Panamanian jurisdiction, or upon their cargo, officers, crew or passengers, shall not be higher than those imposed upon vessels which touch only at ports under Panamanian jurisdiction and do not transit the Canal, or upon their cargo, officers, crew or passengers.

The Republic of Panama also has the right to determine what persons or classes of persons arriving at ports of the Canal Zone shall be admitted to the Republic of Panama and to determine likewise what persons or classes of persons arriving at such ports shall be excluded from admission to the Republic of Panama.

The United States of America will furnish to the Republic of Panama free of charge the necessary sites for the establishment of customhouses in the ports of the Canal Zone for the collection of duties on importations destined to the Republic and for the examination of merchandise, baggage and passengers consigned to or bound for the Republic of Panama, and for the prevention of contraband trade, it being understood that the collection of duties and the examination of merchandise and passengers by the agents of the Government of the Republic of Panama, in accordance with this provision, shall take place only in the customhouses to be established by the Government of the Republic of Panama as herein provided, and that the Republic of Panama will exercise exclusive jurisdiction within the sites on which the customhouses are located so far as concerns the enforcement of immigration or customs laws of the Republic of Panama, and over all property therein contained and the personnel therein employed.

To further the effective enforcement of the rights hereinbefore recognized, the Government of the United States of America agrees that, for the purpose of obtaining information useful in determining whether persons arriving at ports of the Canal Zone and destined to points within the jurisdiction of the Republic of Panama should be admitted or excluded from admission into the Republic, the immigration officers of the Republic of Panama shall have the right of free access to vessels upon their arrival at the Balboa or Cristobal piers or wharves with passengers destined for the Republic; and that the appropriate authorities of the Panama Canal will adopt such administrative regulations regarding persons entering ports of the Canal Zone and destined to points within the jurisdiction of the Republic of Panama as will facilitate the exercise by the authorities of Panama of their jurisdiction in the manner provided in Paragraph 4 of this Article for the purposes stated in Paragraph 3 thereof.

ARTICLE VI

The first sentence of Article VII of the Convention of November 18, 1903, is hereby amended so as to omit the following phrase: "or by the exercise of the right of eminent domain".

The third paragraph of article VII of the Convention of November 18, 1903, is hereby abrogated.

ARTICLE VII

Beginning with the annuity payable in 1934 the payments under Article XIV of the Convention of November 18, 1903, between the United States of America and the Republic of Panama, shall be four hundred and thirty thousand Balboas (B/430,000.00) as defined by the agreement embodied in an exchange of notes of this date. The United States of America may discharge its obligation with respect to any such payment, upon payment in any coin or currency, provided the amount so paid is the equivalent of four hundred and thirty thousand Balboas (B/430,000.00) as so defined.

ARTICLE VIII

In order that the city of Colón may enjoy direct means of land communication under Panamanian jurisdiction with other territory under jurisdiction of the Republic of Panama, the United States of America hereby transfers to the Republic of Panama jurisdiction over a corridor, the exact limits of which shall be agreed upon and demarcated by the two Governments pursuant to the following description:

(a) The end at Colón connects with the southern end of the east half of the Paseo del Centenario at Sixteenth Street, Colón; thence the corridor proceeds in a general southerly direction, parallel to and east of Bolivar Highway to the vicinity of the northern edge of Silver City; thence eastward near the shore line of Folks River, around the northeast corner of Silver City; thence in a general southeasterly direction and generally parallel to the Randolph Road to a crossing of said Randolph Road, about 1200 feet east of the East Diversion; thence in a general northeasterly direction to the eastern boundary line of the Canal Zone near the southeastern corner of the Fort Randolph Reservation, southwest of Cativá. The approximate route of the corridor is shown on the map which accompanies this Treaty, signed by the Plenipotentiaries of the two countries and marked "Exhibit A".

(b) The width of the corridor shall be as follows: 25 feet in width from the Colón end to a point east of the southern line of Silver City; thence 100 feet in width to Randolph Road, except that, at any elevated crossing which may be built over Randolph Road and the railroad, the corridor will be no wider than is necessary to include the viaduct and will not include any part of Randolph Road proper, or of the railroad right of way, and except that, in case of a grade crossing over Randolph Road and the railroad, the corridor will be interrupted by that highway and railroad; thence 200 feet in width to the boundary line of the Canal Zone.

The Government of the United States of America will extinguish any private titles existing or which may exist in and to the land included in the above-described corridor.

The stream and drainage crossing of any highway built in the corridor shall not restrict the water passage to less than the capacity of the existing streams and drainage.

No other construction will take place within the corridor than that relating to the construction of a highway and to the installation of electric power, telephone and telegraph lines; and the only activities which will be conducted within the said corridor will be those pertaining to the construction, maintenance and common uses of a highway and of power and communication lines.

The United States of America shall enjoy at all times the right of unimpeded transit across the said corridor at any point, and of travel along the corridor, subject to such traffic regulations as may be established by the Government of the Republic of Panama; and the Government of the United States of America shall have the right to such use of the corridor as would be involved in the construction of connecting or intersecting highways or railroads, overhead and underground power, telephone, telegraph and pipe lines, and additional drainage channels, on condition that these structures and their use shall not interfere with the purpose of the corridor as provided hereinabove.

ARTICLE IX

In order that direct means of land communication, together with accommodation for the high tension power transmission lines, may be provided under jurisdiction of the United States of America from the Madden Dam to the Canal Zone, the Republic of Panama hereby transfers to the United States of America jurisdiction over a corridor, the limits of which shall be demarcated by the two Governments pursuant to the following descriptions:

A strip of land 200 ft. in width, extending 62.5 ft. from the center line of the Madden Road on its eastern boundary and 137.5 ft. from the center line of the Madden Road on its western boundary, containing an area of 105.8 acres or 42.81 hectares, as shown on the map which accompanies this Treaty, signed by the Plenipotentiaries of the two countries and marked "Exhibit B".

Beginning at the intersection of the located center line of the Madden Road and the Canal Zone-Republic of Panama 5-mile boundary line, said point being located N. 29°20′ W. a distance of 168.04 ft. along said boundary line from boundary monument No. 65, the geodetic position of boundary monument No. 65 being latitude N. 9°07′ plus 3,948.8 ft. and longitude 79°37′ plus 1,174.6 ft.;

thence N. 43°10′ E. a distance of 541.1 ft. to station 324 plus 06.65 ft.;

thence on a 3° curve to the left, a distance of 347.2 ft. to station 327 plus 53.9 ft.;

thence N. 32°45′ E. a distance of 656.8 ft. to station 334 plus 10.7 ft.;

thence on a 3° curve to the left a distance of 455.55 ft. to station 338 plus 66.25 ft.;

thence N. 19°05′ E. a distance of 1,135.70 ft. to station 350 plus 01.95 ft.;

thence on an 8° curve to the left a distance of 650.7 ft. to station 356 plus 52.7 ft.;

thence N. 32°58′ W. a distance of 636.0 ft. to station 362 plus 88.7 ft.;

thence on a 10° curve to the right a distance of 227.3 ft. to station 365 plus 16.0 ft.;

thence N. 10°14′ W. a distance of 314.5 ft. to station 368 plus 30.5 ft.;

thence on a 5° curve to the left a distance of 178.7 ft. to station 370 plus 09.2 ft.;

thence N. 19°10′ W. a distance of 4,250.1 ft. to station 412 plus 59.3 ft.;

thence on a 5° curve to the right a distance of 720.7 ft. to station 419 plus 80.0 ft.:

thence N. 16°52′ E. a distance of 1,664.3 ft. to station 436 plus 44.3 ft.:

thence on a 5° curve to the left a distance of 597.7 ft. to station 442 plus 42.0 ft.;

thence N. 13°01′ W. a distance of 543.8 ft. to station 447 plus 85.8 ft.;

thence on a 5° curve to the right a distance of 770.7 ft. to station 455 plus 56.5 ft.;

thence N. 25°31′ E. a distance of 1,492.2 ft. to station 470 plus 48.7 ft.;

thence on a 5° curve to the right a distance of 808.0 ft. to station 478 plus 56.7 ft.;

thence N. 65°55′ E. a distance of 281.8 ft. to station 481 plus 38.5 ft.;

thence on an 8° curve to the left a distance of 446.4 ft. to station 485 plus 84.9 ft.;

thence N. 30°12′ E. a distance of 479.6 ft. to station 490 plus 64.5 ft.;

thence on a 5° curve to the left a distance of 329.4 ft. to station 493 plus 93.9 ft.;

thence N. 13°44′ E. a distance of 1,639.9 ft. to station 510 plus 33.8 ft.;

thence on a 5° curve to the left a distance of 832.3 ft. to station 518 plus 66.1 ft.

thence N. 27°53′ W. a distance of 483.9 ft. to station 523 plus 50.0 ft.;

thence on an 8° curve to the right a distance of 469.6 ft. to station 528 plus 19.6 ft.;

thence N. 9°41′ E. a distance of 1,697.6 ft. to station 545 plus 17.2 ft.;

thence on a 10° curve to the left a distance of 451.7 ft. to station 549 plus 68.9 ft., which is the point marked Point Z on the above-mentioned map known as "Exhibit B".

(All bearings are true bearings.)

The Government of the Republic of Panama will extinguish any private titles existing or which may exist in and to the land included in the above-described corridor.

The stream and drainage crossings of any highway built in the corridor shall not restrict the water passage to less than the capacity of the existing streams and drainage.

No other construction will take place within the corridor than that relating to the construction of a highway and to the installation of electric power, telephone and telegraph lines; and the only activities which will be conducted within the said corridor will be those pertaining to the construction, maintenance and common uses of a highway, and of power and communication lines, and auxiliary works thereof.

The Republic of Panama shall enjoy at all times the right of unimpeded transit across the said corridor at any point, and of travel along the corridor, subject to such traffic regulations as may be established by the authorities of the Panama Canal; and the Government of the Republic of Panama shall have the right to such use of the corridor as would be involved in the construction of connecting or intersecting highways or railroads, overhead and underground power, telephone, telegraph and pipe lines, and additional drainage channels, on condition that these structures and their use shall not interfere with the purpose of the corridor as provided hereinabove.

ARTICLE X

In case of an international conflagration or the existence of any threat of aggression which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal, the Governments of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests. Any measures, in safeguarding such interests, which it shall appear essential to one Government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two Governments.

ARTICLE XI

The provisions of this Treaty shall not affect the right and obligations of either of the two High Contracting Parties under the treaties now in force between the two countries, nor be considered as a limitation, definition, restriction or restrictive interpretation of such rights and obligations, but without prejudice to the full force and effect of any provisions of this Treaty which constitute addition to, modification or abrogation of, or substitution for the provisions of previous treaties.

ARTICLE XII

The present Treaty shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place at Washington.

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Treaty in duplicate, in the English and Spanish languages, both texts being authentic, and have hereunto affixed their seals.

DONE at the city of Washington the second day of March, 1936.

CORDELL HULL [SEAL]
SUMNER WELLES [SEAL]
R. J. ALFARO [SEAL]
NARCISO GARAY [SEAL]

AND WHEREAS the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the twenty-seventh day of July one thousand nine hundred and thirty-nine;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-seventh day of July in the year of our Lord one thousand nine hundred and thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

[SEAL]

FRANKLIN D. ROOSEVELT.

By the President:
CORDELL HULL
Secretary of State.

3. Treaty of Mutual Understanding and Cooperation, 1955

Treaty with memorandum of understandings reached; signed at Panama, January 25, 1955; ratification advised by the Senate of the United States of America, July 29, 1955; ratified by the President of the United States of America, August 17, 1955; ratified by Panama, August 15, 1955; ratifications exchanged at Washington, August 23, 1955; proclaimed by the President of the United States of America, August 26, 1955; entered into force, August 23, 1955

Abrogated by Panama Canal Treaty, 1977, Article I.

By the President of the United States of America

A PROCLAMATION

Whereas a Treaty of Mutual Understanding and Cooperation between the United States of America and the Republic of Panama, together with a related Memorandum of Understandings Reached, was signed at Panamá on January 25, 1955;

Whereas the texts of the said Treaty and related Memorandum of Understandings Reached, in the English and Spanish languages, are word for word as follows:

Treaty of Mutual Understanding and Cooperation Between the United States of America and the Republic of Panama

The President of the United States of America and the President of the Republic of Panama, desirous of concluding a treaty further to demonstrate the mutual understanding and cooperation of the two countries and to strengthen the bonds of understanding and friendship between their respective peoples, have appointed for that purpose as their respective Plenipotentiaries:

The President of the United States of America:

Selden Chapin, Ambassador Extraordinary and Plenipotentiary of the United United States of America to the Republic of Panama,

The President of the Republic of Panama:

Octavio Fábrega, Minister of Foreign Relations of the Republic of Panama,

who, having communicated to one another their respective full powers, found in good and due form, and recognizing that neither the provisions of the Convention signed November 18, 1903, nor the General Treaty signed March 2, 1936, nor the present Treaty may be modified except by mutual consent, agree upon the following articles:

ARTICLE I

Beginning with the first annuity payable after the exchange of ratifications of the present Treaty, the payments under Article XIV of the Convention for the Construction of a Ship Canal between the

United States of America and the Republic of Panama, signed November 18, 1903, as amended by Article VII of the General Treaty of Friendship and Cooperation, signed March 2, 1936, shall be One Million Nine Hundred Thirty Thousand and no/100 Balboas (B/1,930,000) as defiined by the agreement embodied in the exchange of notes of March 2, 1936, between the Secretary of State of the United States of America and the Members of the Panamanian Treaty Commission. The United States of America may discharge its obligation with respect to any such payment in any coin or currency, provided the amount so paid is the equivalent of One Million Nine Hundred Thirty Thousand and no/100 Balboas (B/1,930,000) as so defined.

On the date of the first payment under the present Treaty, the provisions of this Article shall supersede the provisions of Article VII of the General Treaty signed March 2, 1936.

Notwithstanding the provisions of this Article, the High Contracting Parties recognize the absence of any obligation on the part of either Party to alter the amount of the annuity.

ARTICLE II

(1) Notwithstanding the provisions of Article X of the Convention signed November 18, 1903, between the United States of America and the Republic of Panama, the United States of America agrees that the Republic of Panama may, subject to the provisions of paragraphs (2) and (3) of this Article, impose taxes upon the income (including income from sources within the Canal Zone) of all persons who are employed in the service of the Canal, the railroad, or auxiliary works, whether resident within or outside the Canal Zone, except—

(a) members of the Armed Forces of the United States of America,

(b) citizens of the United States of America, including those who have dual nationality, and

(c) other individuals who are not citizens of the Republic of Panama and who reside within the Canal Zone.

(2) It is understood that any tax levied pursuant to paragraph (1) of this Article shall be imposed on a non-discriminatory basis and shall in no case be imposed at a rate higher or more burdensome than that applicable to income of citizens of the Republic of Panama generally.

(3) The Republic of Panama agrees not to impose taxes on pensions, annuities, relief payments, or other similar payments, or payments by way of compensation for injuries or death occurring in connection with, or incident to, service on the Canal, the railroad, or auxiliary works paid to or for the benefit of members of the Armed Forces or citizens of the United States of America or the lawful beneficiaries of such members or citizens who reside in territory under the jurisdiction of the Republic of Panama.

The provisions of this Article shall be operative for the taxable years beginning on or after the first day of January following the year in which the present Treaty enters into force.

ARTICLE III

Subject to the provisions of the succeeding paragraphs of this Article, the United States of America agrees that the monopoly granted in perpetuity by the Republic of Panama to the United States for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean, by Article V of the Convention signed November 18, 1903, shall be abrogated as of the effective date of this Treaty in so far as it pertains to the construction, maintenance and operation of any system of trans-Isthmian communication by railroad within the territory under the jurisdiction of the Republic of Panama.

Subject to the provisions of the succeeding paragraphs of this Article, the United States further agrees that the exclusive right to establish roads across the Isthmus of Panama acquired by the United States as a result of a concessionary contract granted to the Panama Railroad Company shall be abrogated as of the date of the entry into force of this Treaty, in so far as the right pertains to the establishment of roads within the territory under the jurisdiction of the Republic of Panama.

In view of the vital interest of both countries in the effective protection of the Canal, the High Contracting Parties further agrees that such abrogation is subject to the understanding that no system of inter-oceanic communication within the territory under the jurisdiction of the Republic of Panama by means of railroad or highway may be financed, constructed, maintained, or operated directly or indirectly by a third country or nationals thereof, unless in the opinion of both High Contracting Parties such financing, construction, maintenance, or operation would not affect the security of the Canal.

The High Contracting Parties also agree that such abrogation as is contemplated by this Article shall in no wise affect the maintenance and operation of the present Panama Railroad in the Canal Zone and in territory subject to the jurisdiction of the Republic of Panama.

ARTICLE IV

The second paragraph of Article VII of the Convention signed November 18, 1903, having to do with the issuance of, compliance with, and enforcement of, sanitary ordinances in the Cities of Panamá and Colón, shall be abrogated in its entirety as of the date of entry into force of this Treaty.

ARTICLE V

The United States of America agrees that, subject to the enactment of legislation by the Congress, there shall be conveyed to the Republic of Panama free of cost all the right, title and interest held by the United States of America or its agencies in and to certain lands and improvements in territory under the jurisdiction of the Republic of Panama when and as determined by the United States to be no longer needed for the operation, maintenance, sanitation or protection of the Panama Canal or of its auxiliary works, or for other authorized purposes of the United States in the Republic of Panama. The lands and improvements referred to in the preceding sentence and the determinations by the United States of America respecting the same, subject to the enactment of legislation by the Congress, are designated and set forth in Item 2 of the Memorandum of Understandings Reached which bears the same date as this Treaty. The United States of America also agrees that subject to the enactment of legislation by the Congress, there shall be conveyed to the Republic of Panama free of cost all its right, title and interest to the land and improvements in the area known as PAITILLA POINT and that effective with such conveyance the United States of America shall relinquish all the rights, power and authority granted to it in such area under the Convention signed November 18, 1903. The Republic of Panama agrees to save the Government of the United States harmless from any and all claims which may arise incident to the conveyance of the area known as PAITILLA POINT to the Republic of Panama.

ARTICLE VI

Article V of the Boundary Convention, signed September 2, 1914, between the United States of America and the Republic of Panama, shall be replaced by the following provisions:

"It is agreed that the permanent boundary line between the City of Colón (including the Harbor of Colón, as defined in Article VI of the Boundary Convention of 1914), and other waters adjacent to the shores of Colón, and the Canal Zone shall be as follows:

Beginning at an unmarked point called "E", located on the northeasterly boundary of the Colón Corridor (at its Colón extremity), the geodetic position of which, referred to the Panamá-Colón datum of the Canal Zone triangulation system, is in latitude 9° 21′ N. plus 0.00 feet (0.000 meters) and longitude 79° 54′ W. plus 356.0 feet (108.536 meters).

Thence from said initial point by metes and bounds:

Due East, 2662.93 feet (811.632 meters), along North latitude 9° 21′ plus 0.00 feet (0.000 meters); to an unmarked point in Folks River, called "F", located at longtiude 79° 53′ W. plus 3700.00 feet (1127.762 meters);

N. 36° 36′ 30″ E., 2616.00 feet (797.358 meters), to an unmarked point in Manzanillo Bay, called "G";

N. 22° 41′ 30″ W., 1192.00 feet (363.332 meters), to an unmarked point in Manzanillo Bay, called "H";

N. 56° 40′ 00″ W., 777.00 feet (236.830 meters), to an unmarked point in Manzanillo Bay, called "I";

N. 29° 51′ 00″ W., 2793.00 feet (851.308 meters), to an unmarked point in Manzanillo Bay, called "J";

N. 50° 56′ 00″ W., 3292.00 feet (1003.404 meters), to an unmarked point in Limon Bay, called "K";

S. 56° 06′ 11″ W., 4258.85 feet (1208.100 meters), to an unmarked point in Limon Bay, called "L", which is located on the northerly boundary of the Harbor of Colón.

Thence following the boundary of the Harbor of Colón, as described in Article VI of the Boundary Convention signed September 2, 1914, to monument "D", as follows:

N. 78° 30′ 30″ W., 2104.73 feet (641.523 meters), on a line to the light house on Toro Point, to an unmarked point in Limon Bay, called "M", located 330 meters or 1082.67 feet easterly and at right angles from the centerline of the Panama Canal;

S. 00° 14′ 50″ W., 3074.46 feet (937.097 meters), parallel to and 330 meters or 1082.67 feet easterly from the centerline of the Panama Canal, to an unmarked point in Limon Bay, called "N";

S. 78° 30′ 30″ E., 3952.97 feet (1204.868 meters), to monument "D", which is a concrete monument, located on the easterly shore of Limon Bay.

Thence following the boundary between the City of Colón and the Canal Zone, as described in Article V of the Boundary Convention signed September 2, 1914, to monument "B" as follows:

S. 78° 30′ 30″ E., 258.65 feet (78.837 meters) through monuments Nos. 28 and 27 which are brass plugs in pavement, to monument "D", which is a concrete monument, the distances being 159.96 feet (48.756 meters), 28.26 feet (8.614 meters), and 70.43 feet (21.467 meters), successively, from beginning of the course;

N. 74° 17′ 35″ E., 533.60 feet (162.642 meters), along the centerline of Eleventh Street, through monuments Nos. 26, 25, 24 and 23, which are brass plugs in the pavement, to "C", which is an unmarked point beneath the clock pedestal on the centerline of Bolivar Avenue, the distances being 95.16 feet (29.005 meters), 91.02 feet (27.743 meters), 166.71 feet (50.813 meters), 158.66 feet (48.360 meters) and 22.05 feet (6.721 meters), successively, from beginning of the course;

S. 15° 58′ 00″ E., 965.59 feet (294.312 meters), along the centerline of Bolivar Avenue, through monuments Nos. 23, 21, 20 and 19, which are brass plugs in the pavement, to monument "B", which is a brass plug, the distances being 14.35 feet (4.374 meters), 143.13 feet (43.626 meters), 238.77 feet (72.777 meters), 326.77 feet (99.600 meters) and 242.57 feet (73.935 meters), successively from beginning of the course. (Monument "B" is the point of beginning referred to in Article I of the Convention between the United States of America and the Republic of Panama regarding the Colón Corridor and certain other Corridors through the Canal Zone, signed at Panama on May 24, 1950.)

Thence following the boundary between the City of Colón and the Canal Zone, to monument "A", as described in Article I of the Corridor Convention referred to in the next-preceding paragraph:

S. 15° 57′ 40″ E., 117.10 feet (35.692 meters) along the centerline of Bolivar Avenue to Monument No. A–8, which is a brass plug located at the intersection with the centerline of 14th Street projected westerly, in North latitude 9° 21′ plus 1356.18 feet (413.364 meters) and West longitude 79° 54′ plus 1862.57 feet (567.712 meters);

N. 73° 59′ 35″ E., 172.12 feet (52.462 meters) along the centerline of 14th Street to Monument No. A–7, which is a brass plug located at the intersection with the line of the west curb of Boundary Street projected northerly in North latitude 9° 21′ plus 1403.64 feet (427.830 meters) and West longitude 79° 54′ plus 1697.12 feet (517.283 meters);

Southerly along the westerly curb of Boundary Street and its prolongation to Monument No. A–4, which is a brass plug located at the intersection of two curves, in North latitude 9° 21′ plus 833.47 feet (254.042 meters) and West longitude 79° 54′ plus 980.94 feet (298.991 meters) (this last mentioned course passes through a curve to the left with a radius of 40.8 feet (12.436 meters) and the intersection of its tangents at point A–6 in North latitude 9° 21′ plus 1306.23 feet (398.140 meters) and West longitude 79° 54′ plus 1669.37 feet (508.825 meters), and a curve to the right with a radius of 1522 feet (436.907 meters) with the point of intersection of its tangents at point A–5 in North latitude 9° 21′ plus 958.14 feet (292.042 meters) and West longitude 79° 54′ plus 1105.89 feet (337.076 meters));

Through a curve to the left with a radius of 262.2 feet (79.919 meters) and the intersection of its tangents at point A–3 in North latitude 9° 21′ plus 769.07 feet (234.413 meters) and West longitude 79° 54′ plus 955.43 feet (291.216 meters); a curve to the right with a radius of 320.0 feet (97.536 meters) and the intersection of its tangents at point A–2 in North latitude 9° 21′ plus 673.38 feet (205.247 meters) and West longitude 79° 54′ plus 836.40 feet (254.935 meters); and a curve to the left with a radius of 2571.5 feet (783.795 meters) and the intersection of its tangents at point A–1 in North latitude 9° 21′ plus 302.15 feet (92.096 meters) and West longitude 79° 54′ plus 680.96 feet (207.557 meters) to Monument No. "A", which is a 1½ inch brass plug located in the old sea wall, in North latitude 9° 21′ plus 45.60 feet (13.899 meters) and West longitude 79° 54′ plus 487.65 feet (148.636 meters);

S. 21° 34′ 50″ W., 29.19 feet (8.897 meters), to an unmarked point called #1;

Southeasterly, 23.26 feet (7.090 meters), along a curve to the left with a radius of 2596.48 feet (791.409 meters) (the chord of which bears S. 37° 28′ 20″ E., 23.26 feet (7.090 meters) to an unmarked point called #2, located on the southwesterly boundary of the Colón Corridor at North latitude 9° 21′ plus 0.00 feet (0.000 meters).

The directions of the lines refer to the true meridian.

The above-described boundary is as shown on Panama Canal Company drawing No. 6117–22, entitled "Boundary Line Between the City of Colón and the Canal Zone", scale 1 inch to 600 feet, dated December 23, 1954, prepared for the Canal Zone Government, attached as an annex hereto and forming a part hereof.

Article VIII of the General Treaty signed March 2, 1936, as amended by Article III of the Convention between the United States of America and the Republic of Panama regarding the Colón Corridor and certain other corridors through the Canal Zone, signed May 24, 1950, is hereby modified by removing from the Colón, or westerly, end of the Colón Corridor the portion thereof lying north of North latitude 9° 21′ and incorporating such portion within the boundary of the City of Colón as described above.

This Article shall become effective upon completion of the withdrawal by the United States of America from the sections of the city of Colón known as New Cristobal, Colón Beach and the de Lesseps Area, with the exception of the lots retained for consulate purposes, except that it shall in no case become effective prior to the exchange of the instruments of ratification of this Treaty and the exchange of instruments of ratification of the Convention signed May 24, 1950, referred to in the preceding paragraph.

ARTICLE VII

The second paragraph of Article VII of the Boundary Convention signed September 2, 1914, between the United States of America and the Republic of Panama, shall be abrogated in its entirety as of the date of entry into force of the present Treaty.

The landing pier situated in the small cove on the southerly side of Manzanillo Island, constructed pursuant to provisions contained in the second paragraph of Article VII of the Boundary Convention of 1914 between the two countries, shall become the property of the Government of the Republic of Panama as of the date of entry into force of the present Treaty.

ARTICLE VIII

(a) The Republic of Panama will reserve exclusively for the purpose of maneuvers and military training the area described in the maps (Nos. SGN-7-54 and SGN-8-54, each dated November 17, 1954) and accompanying descriptions prepared by the Comisión Catastral of the Republic of Panama, attached as the Annex hereto, and will permit the United States of America, without cost and free of all encumbrances, exclusively to utilize said area for the indicated purpose for a period of fifteen (15) years, subject to extension thereafter as agreed by the two Governments. This authorization includes the free access to, egress from, and movements within and over, said area. This utilization will not affect the sovereignity of the Republic of Panama, or the operation of the Constitution and the laws of the Republic over the mentioned area.

(b) The United States Armed Forces, the members thereof and their families actually residing with them, and United States nationals who, in an official capacity, are serving with or accompanying the Armed Forces of the United States and members of their families actually residing with them will be exempted within the said area from all taxation by the Republic of Panama or any of its political subdivisions.

(c) Prior to the expiration of the period envisaged in this Article and within a reasonable time thereafter the United States shall have the right to remove from this training and maneuver area, or otherwise to dispose of, without limitation or restriction all structures, installations, facilities, equipment and supplies brought into, or constructed or erected within this training and maneuver area by or on behalf of the United States. The Republic of Panama will not be required to reimburse the United States for any structures, installations, facilities, equipment and supplies not removed or otherwise disposed of as provided herein.

(d) The United States shall be under no obligation to restore this training and maneuver area or the facilities and installations thereon to their original condition upon the termination of this Article, except for the landing strip which will be returned in at least as good condition as that obtaining at the time of coming into effect of this Article.

(e) The provisions of this Article shall in no manner terminate or modify the provisions concerning the holding of military maneuvers in the Republic of Panama established by the Notes ancillary to the General Treaty signed March 2, 1936 other than as provided herein for this training and maneuver area.

ARTICLE IX

The Republic of Panama hereby waives the right under Article XIX of the Convention signed November 18, 1903, to transportation by railway within the Zone, without paying charges of any kind, of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of the Canal Zone, as well as of their baggage, munitions of war and supplies.

ARTICLE X

The High Contracting Parties agree that, in the event of the discontinuance of the Panama Railroad, and of the construction or completion by the United States of a strategic highway across the Isthmus lying wholly within the Canal Zone intended primarily for serving the operation, maintenance, civil government, sanitation and protection of the Panama Canal and Canal Zone, and notwithstanding anything to the contrary in Article VI of the Convention signed November 18, 1903, the United States of America may in its discretion either prohibit or restrict the use, by busses or trucks not at the time engaged exclusively in the servicing of, or the transportation of supplies to, installations, facilities or residents of the Canal Zone, of that portion of such highway which lies between Mount Hope, Canal Zone and the intersection of such highway with the Canal Zone section of the Trans-Isthmian Highway referred to in the Trans-Isthmian Highway Convention between the United States of America and the Republic of Panama, signed March 2, 1936.

ARTICLE XI

The Republic of Panama agrees, notwithstanding the provisions of Article III of the General Treaty signed March 2, 1936, that the United States of America may extend the privilege of purchasing at post exchanges small items of personal convenience and items necessary for professional use, to military personnel of friendly third countries present in the Zone under auspices of the United States.

ARTICLE XII

The United States of America agrees that, effective December 31, 1956, there will be excluded from the privilege of making purchases in the commissaries and other sales stores in the Canal Zone as well as the privilege of making importations into the Canal Zone all those persons who are not citizens of the United States of America, except members of the Armed Forces of the United States, and who do not actually reside in the Canal Zone but who are included in the categories, of persons authorized to reside in said Zone; it being understood nevertheless that all personnel of the agencies of the United States of America will be permitted under adequate controls to purchase small articles such as meals, sweets, chewing gum, tobacco and similar articles near the sites of their jobs.

The United States of America further agrees that, effective December 31, 1956, and notwithstanding the provisions of the first paragraph of Article IV of the General Treaty signed March 2, 1936, the Government of the Republic of Panama may impose import duties and other charges upon goods destined or consigned to persons, other than citizens of the United States of America, included in class (a) in Section 2 of Article III of said Treaty, who reside or sojourn in territory under the jurisdiction of the Republic of Panama during the performance of their service with the United States of America or its agencies, even though such goods are intended for their own use and benefit.

ARTICLE XIII

The present Treaty shall be subject to ratification and the instruments of ratification shall be exchanged at Washington. It shall enter into force on the date of the exchange of the instruments of ratification.

MEMORANDUM OF UNDERSTANDINGS REACHED

In connection with the 1953–54 negotiations between representatives of the United States of America and the Republic of Panama, which have resulted in the signature of a Treaty between the two countries, the following understandings have been reached:

On the part of the United States of America:

1. Legislation will be sought which will authorize each agency of the United States Government in the Canal Zone to conform its existing wage practices in the Zone to the following principles:

(a) The basic wage for any given grade level will be the same for any employee eligible for appointment to the position without regard to whether he is a citizen of the United States or of the Republic of Panama.

(b) In the case of an employee who is a citizen of the United States, there may be added to the base pay an increment representing an overseas differential plus an allowance for those elements, such as taxes, which operate to reduce the disposable income of such an employee as compared with an employee who is a resident of the area.

(c) The employee who is a citizen of the United States will also be eligible for greater annual leave benefits and travel allowances because of the necessity for periodic vacations in the United States for recuperation purposes and to maintain contact with the employee's home environment.

Legislation will be sought to make the Civil Service Retirement Act uniformly applicable to citizens of the United States and of the Republic of Panama employed by the Government of the United States in the Canal Zone.

The United States will afford equality of opportunity to citizens of Panama for employment in all United States Government positions in the Canal Zone for which they are qualified and in which the employment of United States citizens is not required, in the judgment of the United States, for security reasons.

The agencies of the United States Government will evaluate, classify and title all positions in the Canal Zone without regard to the nationality of the incumbent or proposed incumbent.

Citizens of Panama will be afforded opportunity to participate in such training programs as may be conducted for employees by United States agencies in the Canal Zone.

2. With reference to that part of Article V of the Treaty signed today which deals with the conveyance to the Republic of Panama free of cost of all the right, title and interest held by the United States of America or its agencies in and to certain lands and improvements situated in territory under the jurisdiction of the Republic of Panama, steps will be taken as provided in this Item.

(a) Legislation will be sought to authorize and direct the transfer to the Republic of Panama of all the right, title and interest held by the United States or its agencies in or to the following real property:

1. The J. N. Vialette and Huerta de San Doval tracts in the city of Panamá and the Aspinwall tract on the Island of Taboga.

2. Las Isletas and Santa Catalina Military Reservations on the Island of Taboga. This transfer will include the cable rights-of-way which have a width of 20 feet (6.10 meters) and extend between the Ancon Cove Military Reservation and the Santa Catalina Military Reservation, and between the El Vigia Military Reservation and the Las Isletas Military Reservation.

3. The lot in Colón now reserved for consulate purposes.

4. Certain lands on the westerly shores of the city of Colón described roughly as extending from the southerly boundary of the de Lesseps area (4th Street extended) to the Colón-Canal Zone boundary and bounded on the east by the east wall of the old freight house and, below that structure, by a line 25 feet (7.622 meters) west of the center line of the most westerly railroad track. This transfer will include the certain improvements consisting of the old freight house and Colón Pier Number 3.

(b) Legislation will be sought to authorize and direct the Panama Canal Company to remove its railway terminal operations from the city of Panamá and to transfer to the Republic of Panama free of cost all of the right, title and interest of the Panama Canal Company in and to the lands known as the Panama Railroad Yard, including the improvements thereon and specifically including the railway passenger station. This action will also relieve the Government of the Republic of Panama of its obligation under Point 10 of the General Relations Agreement between the United States of America and the Republic of Panama signed May 18, 1942 to make available without cost to the Government of the United States of America a suitable new site for such terminal facilities.

(c) With respect to those areas in the city of Colón known as de Lesseps, Colón Beach and New Cristobal (with the exception of two lots in the de Lesseps area which the United States intends to use for consulate purposes), legislation will be sought to authorize and direct the gradual withdrawal from these areas and the conveyance or transfer to the Republic of Panama free of cost of all the right, title and interest of the United States and of its agency, the Panama Canal Company, in and to the lands and improvements thereon. Under this process of gradual withdrawal the United States Government, and/or its agencies, will not be obligated to install any new structure in such areas and, as severable parts of the areas cease to be needed, the lands and improvements would be conveyed or transferred. The severability of parts of the areas depends upon a number of practical considerations including those having to do with the present obligations of the United States, with respect to the subject areas, concerning water and sewerage facilities, street cleaning and paving, water supply, et cetera, as stipulated in the Instrument of Transfer of Water and Sewerage Systems, executed between the Governor of the Panama Canal and the Foreign Minister of Panama on December 28, 1945.

(d) With respect to the railroad passenger station and site in the city of Colón, legislation will be sought to authorize and direct the withdrawal from such site and structure at such time as the withdrawal from the areas known as de Lesseps, Colón Beach and New Cristobal, contemplated by the next preceding subparagraph, shall have been fully completed, and the conveyance to the Republic of Panama free of cost of all the right, title and interest of the United States and of its agency, the Panama Canal Company, in and to such site and structure. However, the railroad tracks and trackage area in Colón, being required for switching purposes serving the Cristobal piers, will be retained for such purposes.

(e) All transfers or conveyances of lands and improvements contemplated by this Item, subject to legislative authorization and direction, will necessarily be made subject to any leases which may be outstanding in the respective areas, and will also contain provisions fully protecting the Government of the United States of America against any claims by lessees for damages or losses which may arise as a result of such transfers or conveyances.

(f) The transfers or conveyances contemplated by this Item, subject to legislative authorization, are in addition to the conveyance of Paitilla Point as specifically covered by Article V of the Treaty signed today, and to the transfer of real property effected by Article VI of said Treaty.

3. Articles, materials, and supplies that are mined, produced or manufactured in the Republic of Panama, when purchased for use in the Canal Zone, will be exempted from the provisions of the Buy American Act.

4. Referring to the exchange of notes dated March 2, 1936, accessory to the General Treaty between the United States of America and the Republic of Panama signed on that date, relative to the sale to ships of goods imported into the Canal Zone by the Government of the United States of America, the United States of America agrees. effective December 31. 1956. and in benefit of Panamanian commerce

to withdraw wholly from, and thereafter to refrain from, any such sales to ships, provided that nothing in this Item shall apply—

(a) to sales to ships operated by or for the account of the Government of the United States of America,

(b) to the sale of fuel or lubricants, or

(c) to any sale or furnishing of ships stores which is incidental to the performance of ship repair operations by any agency of the Government of the United States of America.

5. Legislative authorization and the necessary appropriations will be sought for the construction of a bridge at Balboa referred to in Point 4 of the General Relations Agreement of 1942.

6. The United States of America agrees, effective December 31, 1956, to withdraw from persons employed by agencies of the Government of the United States of America in the Canal Zone who are not citizens of the United States of America and who do not actually reside in said Zone the privilege of availing themselves of services which are offered within said Zone except those which are essential to health or necessary to permit them to perform their duties.

7. It is and will continue to be the policy of the Panama Canal agencies and of the Armed Forces in the Canal Zone in making purchases of supplies, materials and equipment, so far as permitted under United States legislation, to afford to the economy of the Republic of Panama full opportunity to compete for such business.

8. In general connection with the matter of the importation of items of merchandise for resale in the sales stores in the Canal Zone, it will be the practice of the agencies concerned to acquire such items either from United States sources or Panamanian sources unless, in certain instances, it is not feasible to do so.

9. With respect to the manufacture and processing of goods for sale to or consumption by individuals, now carried on by the Panama Canal Company, it will be the policy of the United States of America to terminate such activities whenever and for so long as such goods, or particular classes thereof, are determined by the United States of America to be available in the Republic of Panama on a continuing basis, in satisfactory qualities and quantities, and at reasonable prices. The United States of America will give prompt consideration to a request in writing on the part of the Government of Panama concerning the termination of the manufacture or processing of any goods covered in this Item as to which the Government of Panama may consider the criteria specified in this Item to have been met.

10. Prompt consideration will be given to withdrawing from the handling of commercial cargo for transshipment on Canal Zone piers so soon as Panamanian port facilities are in satisfactory operation in Colón.

11. The United States agrees that the term "auxiliary works" as used in the Treaty includes the Armed Forces of the United States of America.

On the part of the Republic of Panama:

1. The Republic of Panama will lease to the United States of America, free of all cost save for the recited consideration of one Balboa, for a period of 99 years, two parcels of land contiguous to

the present United States Embassy residence site, as designated on the sketch (No. SGN-9-54, dated November 19, 1954) and accompanying descriptions prepared by the Comisión Catastral of the Republic of Panama, attached hereto.

2. The Republic of Panama assures the United States of America that the property, shown and described on the attached map (No. SGN-6-54, dated October 1954) and the accompanying description prepared by the Comisión Catastral of the Republic of Panama, in front of the United States Embassy office building site and between the Bay of Panama and Avenida Balboa as it may be extended between 37th and 39th Streets, will be preserved permanently as a park and not developed for commercial or residential purposes.

3. So long as the United States of America maintains in effect those provisions of Executive Order No. 6997 of March 25, 1935 governing the importation of alcoholic beverages into the Canal Zone, the Republic of Panama will grant a reduction of 75 percent in the import duty on alcoholic beverages which are sold in Panama for importation into the Canal Zone pursuant to such Executive Order.

4. In connection with the authorization granted to the United States of America in Article VIII of the Treaty, the United States shall have free access to the beach areas contiguous to the maneuver area described in said Article VIII for purposes connected with training and maneuvers, subject to the public use of said beach as provided under the Constitution of Panama.

The provisions of this Memorandum of Understandings Reached shall enter into force upon the exchange of instruments of ratification of the Treaty signed this day by the United States of America and the Republic of Panama.

4. Panama Canal Permanent Neutrality and Operation, 1977

PANAMA

Panama Canal: Permanent Neutrality and Operation

Treaty signed at Washington September 7, 1977, with attached protocol;

Transmitted by the President of the United States of America to the Senate September 16, 1977 (S. Ex. N, 95th Cong., 1st Sess.);

Reported favorably by the Senate Committee on Foreign Relations February 3, 1978 (S. Ex. Rep. No. 95–12, 95th Cong., 2d Sess.);

Advice and consent to ratification by the Senate subject to amendments, conditions, reservations and understandings March 16, 1978;

Ratified by the President subject to such amendments, conditions, reservations and understandings June 15, 1978;

Ratified by Panama June 16, 1978;

Ratifications exchanged with protocol signed at Panama June 16, 1978; effective April 1, 1979;

Proclaimed by the President September 24, 1979;

Entered into force October 1, 1979.

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

CONSIDERING THAT:

The Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal was signed at Washington on September 7, 1977, the text of which is hereto annexed;

The Senate of the United States of America by its resolution of March 16, 1978, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Neutrality Treaty, subject to the following:

(a) AMENDMENTS:

(1) At the end of Article IV, insert the following:

"A correct and authoritative statement of certain rights and duties of the Parties under the foregoing is contained in the Statement of Understanding issued by the Government of the United States of America on October 14, 1977, and by the Government of the Republic of Panama on October 18, 1977,[1] which is hereby incorporated as an integral part of this Treaty, as follows:

"'Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against the peaceful transit of vessels through the Canal.

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[1] For joint Statement of Understanding, see *Department of State Bulletin*, Nov. 7, 1977, p. 631.

"'This does not mean, nor shall it be interpreted as a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama.'."

(2) At the end of the first paragraph of Article VI, insert the following:

"In accordance with the Statement of Understanding mentioned in Article IV above: 'The Neutrality Treaty provides that the vessels of war and auxiliary vessels of the United States and Panama will be entitled to transit the Canal expeditiously. This is intended, and it shall so be interpreted, to assure the transit of such vessels through the Canal as quickly as possible, without any impediment, with expedited treatment, and in case of need or emergency, to go to the head of the line of vessels in order to transit the Canal rapidly.'."

(b) CONDITIONS:

(1) Notwithstanding the provisions of Article V or any other provision of the Treaty, if the Canal is closed, or its operations are interfered with, the United States of America and the Republic of Panama shall each independently have the right to take such steps as each deems necessary, in accordance with its constitutional processes, including the use of military force in the Republic of Panama, to reopen the Canal or restore the operations of the Canal, as the case may be.

(2) The instruments of ratification of the Treaty shall be exchanged only upon the conclusion of a Protocol of Exchange, to be signed by authorized representatives of both Governments, which shall constitute an integral part of the Treaty documents and which shall include the following:

"Nothing in the Treaty shall preclude the Republic of Panama and the United States of America from making, in accordance with their respective constitutional processes, any agreement or arrangement between the two countries to facilitate performance at any time after December 31, 1999, of their responsibilities to maintain the regime of neutrality established in the Treaty, including agreements or arrangements for the stationing of any United States military forces or the maintenance of defense sites after that date in the Republic of Panama that the Republic of Panama and the United States of America may deem necessary or appropriate.".

(c) RESERVATIONS:

(1) Before the date of entry into force of the Treaty, the two Parties shall begin to negotiate for an agreement under which the American Battle Monuments Commission would, upon the date of entry into force of such agreement and thereafter, administer, free of all taxes and other charges and without compensation to the Republic of Panama and in accordance with the practices, privileges, and immunities associated with the administration of cemeteries outside the United States of America by the American Battle Monuments Commission, including the display of the flag of the United States of America, such part of Corozal Cemetery in the former Canal Zone as encompasses the remains of citizens of the United States of America.

(2) The flag of the United States of America may be displayed, pursuant to the provisions of paragraph 3 of Article VII of the Panama Canal Treaty,[1] at such part of Corozal Cemetery in the former Canal Zone as encompasses the remains of citizens of the United States of America.

(3) The President--

(A) shall have announced, before the date of entry into force of the Treaty, his intention to transfer, consistent with an agreement with the Republic of Panama, and before the date of termination of the Panama Canal Treaty, to the American Battle Monuments Commission the administration of such part of Corozal Cemetery as encompasses the remains of citizens of the United States of America; and

(B) shall have announced, immediately after the date of exchange of the instruments of ratification, plans, to be carried out at the expense of the Government of the United States of America, for--

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[1] TIAS 10031; 33 UST.

(i) removing, before the date of entry into force of the Treaty, the remains of citizens of the United States of America from Mount Hope Cemetery to such part of Corozal Cemetery as encompasses such remains, except that the remains of any citizen whose next of kin objects in writing to the Secretary of the Army not later than three months after the date of exchange of the instruments of ratification of the Treaty shall not be removed; and

(ii) transporting to the United States of America for reinterment, if the next of kin so requests, not later than thirty months after the date of entry into force of the Treaty, any such remains encompassed by Corozal Cemetery and, before the date of entry into force of the Treaty, any remains removed from Mount Hope Cemetery pursuant to subclause (i); and

(C) shall have fully advised, before the date of entry into force of the Treaty, the next of kin objecting under clause (B)(i) of all available options and their implications.

(4) To carry out the purposes of Article III of the Treaty of assuring the security, efficiency, and proper maintenance of the Panama Canal, the United States of America and the Republic of Panama, during their respective periods of responsibility for Canal operation and maintenance, shall, unless the amount of the operating revenues of the Canal exceeds the amount needed to carry out the purposes of such Article, use such revenues of the Canal only for purposes consistent with the purposes of Article III.

(d) UNDERSTANDINGS:

(1) Paragraph 1(c) of Article III of the Treaty shall be construed as requiring, before any adjustment

in tolls for use of the Canal, that the effects of any such toll adjustment on the trade patterns of the two Parties shall be given full consideration, including consideration of the following factors in a manner consistent with the regime of neutrality:

(A) the costs of operating and maintaining the Panama Canal;

(B) the competitive position of the use of the Canal in relation to other means of transportation;

(C) the interests of both Parties in maintaining their domestic fleets;

(D) the impact of such an adjustment on the various geographical areas of each of the two Parties; and

(E) the interests of both Parties in maximizing their international commerce.

The United States of America and the Republic of Panama shall cooperate in exchanging information necessary for the consideration of such factors.

(2) The agreement 'to maintain the regime of neutrality established in this Treaty' in Article IV of the Treaty means that either of the two Parties to the Treaty may, in accordance with its constitutional processes, take unilateral action to defend the Panama Canal against any threat, as determined by the Party taking such action.

(3) The determination of 'need or emergency' for the purpose of any vessel of war or auxiliary vessel of the United States of America or the Republic of Panama going to the head of the line of vessels in order to transit the Panama Canal rapidly shall be made by the nation operating such vessel.

(4) Nothing in the Treaty, in Annex A or B thereto, in the Protocol relating to the Treaty, or in any other agreement relating to the Treaty, obligates the United States of America to provide any economic assistance, military grant assistance, security supporting assistance,

foreign military sales credits, or international military education and training to the Republic of Panama.

(5) The President shall include all amendments, conditions, reservations, and understandings incorporated by the Senate in this resolution of ratification in the instrument of ratification to be exchanged with the Government of the Republic of Panama.

The Neutrality Treaty was ratified by the President of the United States of America on June 15, 1978, subject to the said amendments, conditions, reservations and understandings, in pursuance of the advice and consent of the Senate, and was ratified on the part of the Republic of Panama on June 16, 1978;

It is provided in Article VIII of the Neutrality Treaty that the Neutrality Treaty shall enter into force simultaneously with the Panama Canal Treaty, six calendar months from the date of the exchange of the instruments of ratification;

The instruments of ratification of the Neutrality Treaty were delivered at Panama on June 16, 1978, with the exchange of the instruments of ratification effective on April 1, 1979, and accordingly the Neutrality Treaty, subject to the said amendments, conditions, reservations and understandings, enters into force on October 1, 1979;

NOW, THEREFORE, I, Jimmy Carter, President of the United States of America, proclaim and make public the Neutrality Treaty, subject to the said amendments, conditions, reservations and understandings, to the end that it shall be observed and fulfilled with good faith on and after October 1, 1979, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington
this twenty-fourth day of
September in the year of
our Lord one thousand
nine hundred seventy-nine
and of the Independence
of the United States of
America the two hundred
fourth.

[SEAL]

By the President:

Jimmy Carter [2]

Warren Christopher [1]
Acting Secretary of State

TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The United States of America and the Republic of Panama have agreed upon the following:

ARTICLE I

The Republic of Panama declares that the Canal, as an international transit waterway, shall be permanently neutral in accordance with the regime established in this Treaty. The same regime of neutrality shall apply to any other international waterway that may be built either partially or wholly in the territory of the Republic of Panama.

ARTICLE II

The Republic of Panama declares the neutrality of the Canal in order that both in time of peace and in time of war it shall remain secure and open to peaceful transit by the vessels of all nations on terms of entire equality, so that there will be no discrimination against any nation, or its citizens or subjects, concerning the conditions or charges of transit, or for any other reason, and so that the Canal, and therefore the Isthmus of Panama, shall not be the target of reprisals in any armed conflict between other nations of the world. The foregoing shall be subject to the following requirements:

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[1] Warren Christopher.

[2] Jimmy Carter.

(a) Payment of tolls and other charges for transit and ancillary services, provided they have been fixed in conformity with the provisions of Article III (c);

(b) Compliance with applicable rules and regulations, provided such rules and regulations are applied in conformity with the provisions of Article III;

(c) The requirement that transiting vessels commit no acts of hostility while in the Canal; and

(d) Such other conditions and restrictions as are established by this Treaty.

ARTICLE III

1. For purposes of the security, efficiency and proper maintenance of the Canal the following rules shall apply:

   (a) The Canal shall be operated efficiently in accordance with conditions of transit through the Canal, and rules and regulations that shall be just, equitable and reasonable, and limited to those necessary for safe navigation and efficient, sanitary operation of the Canal;

   (b) Ancillary services necessary for transit through the Canal shall be provided;

   (c) Tolls and other charges for transit and ancillary services shall be just, reasonable, equitable and consistent with the principles of international law;

   (d) As a pre-condition of transit, vessels may be required to establish clearly the financial responsibility and guarantees for payment of reasonable and adequate indemnification, consistent with international practice and standards, for damages resulting from acts or omissions of such vessels when passing through the Canal. In the case of vessels owned or operated by a State or for which it has acknowledged responsibility, a certification by that State that it shall observe its obligations under international law to pay for damages resulting from the act or omission of such vessels when passing through the Canal shall be deemed sufficient to establish such financial responsibility;

(e) Vessels of war and auxiliary vessels of all nations shall at all times be entitled to transit the Canal, irrespective of their internal operation, means of propulsion, origin, destination or armament, without being subjected, as a condition of transit, to inspection, search or surveillance. However, such vessels may be required to certify that they have complied with all applicable health, sanitation and quarantine regulations. In addition, such vessels shall be entitled to refuse to disclose their internal operation, origin, armament, cargo or destination. However, auxiliary vessels may be required to present written assurances, certified by an official at a high level of the government of the State requesting the exemption, that they are owned or operated by that government and in this case are being used only on government non-commercial service.

2. For the purposes of this Treaty, the terms "Canal," "vessel of war," "auxiliary vessel," "internal operation," "armament" and "inspection" shall have the meanings assigned them in Annex A to this Treaty.

ARTICLE IV

The United States of America and the Republic of Panama agree to maintain the regime of neutrality established in this Treaty, which shall be maintained in order that the Canal shall remain permanently neutral, notwithstanding the termination of any other treaties entered into by the two Contracting Parties.[1]

ARTICLE V

After the termination of the Panama Canal Treaty,[2] only the Republic of Panama shall operate the Canal and maintain military forces, defense sites and military installations within its national territory.

ARTICLE VI

1. In recognition of the important contributions of the United States of America and of the Republic of Panama to the construction, operation, maintenance, and protection and defense of the Canal, vessels of war and auxiliary vessels of those nations shall, notwithstanding any other provisions of this Treaty, be entitled to transit the Canal irrespective of their internal operation, means of propulsion, origin, destination, armament or cargo carried. Such vessels of war and auxiliary vessels will be entitled to transit the Canal expeditiously.[3]

2. The United States of America, so long as it has responsibility for the operation of the Canal, may continue to provide the Republic of Colombia toll-free transit through the Canal for its troops, vessels and materials of war. Thereafter, the Republic of Panama may provide the Republic of Colombia and the Republic of Costa Rica with the right of toll-free transit.

ARTICLE VII

1. The United States of America and the Republic of Panama shall jointly sponsor a resolution in the Organization

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[1] Amended pursuant to Senate resolution advising ratification. See pp. 8 and 320.

[2] TIAS 10030; 33 UST.

[3] Amended pursuant to Senate resolution advising ratification. See pp. 4 and 32.

of American States opening to accession by all States of the world the Protocol to this Treaty whereby all the signatories will adhere to the objectives of this Treaty, agreeing to respect the regime of neutrality set forth herein.

2. The Organization of American States shall act as the depositary for this Treaty and related instruments.

ARTICLE VIII

This Treaty shall be subject to ratification in accordance with the constitutional procedures of the two Parties. The instruments of ratification of this Treaty shall be exchanged at Panama at the same time as the instruments of ratification of the Panama Canal Treaty, signed this date, are exchanged. This Treaty shall enter into force, simultaneously with the Panama Canal Treaty, six calendar months from the date of the exchange of the instruments of ratification.[1]

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[1] Oct. 1, 1979.

5. Panama Canal Treaty, 1977

PANAMA

Panama Canal Treaty

Signed at Washington September 7, 1977;

Transmitted by the President of the United States of America to the Senate September 16, 1977 (S. Ex. N, 95th Cong., 1st Sess.);

Reported favorably by the Senate Committee on Foreign Relations February 3, 1978 (S. Ex. Rept. No. 95–12, 95th Cong., 2d Sess.);

Advice and consent to ratification by the Senate April 18, 1978 subject to reservations and understandings;

Ratified by the President June 15, 1978 subject to said reservations and understandings;

Ratified by Panama June 16, 1978;

Ratifications exchanged with protocol [1] *signed at Panama June 16, 1978; effective April 1, 1979;*

Proclaimed by the President September 24, 1979;

Entered into force October 1, 1979;

With agreed minute and related letter.

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[1] For protocol, see TIAS 10029.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

CONSIDERING THAT:

The Panama Canal Treaty was signed at Washington on September 7, 1977, the text of which is hereto annexed;

The Senate of the United States of America by its resolution of April 18, 1978, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Treaty, subject to the following:

(a) RESERVATIONS:

(1) Pursuant to its adherence to the principle of nonintervention, any action taken by the United States of America in the exercise of its rights to assure that the Panama Canal shall remain open, neutral, secure, and accessible, pursuant to the provisions of the Panama Canal Treaty, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, and the resolutions of ratification thereto, shall be only for the purpose of assuring that the Canal shall remain open, neutral, secure, and accessible, and shall not have as its purpose or be interpreted as a right of intervention in the internal affairs of the Republic of Panama or interference with its political independence or sovereign integrity.

(2) The instruments of ratification of the Panama Canal Treaty to be exchanged by the United States of America and the Republic of Panama shall each include provisions whereby each Party agrees to waive its rights and release the other Party from its obligations under paragraph 2 of Article XII of the Treaty.

(3) Notwithstanding any provision of the Treaty, no funds may be drawn from the Treasury of the United States of America for payments under paragraph 4 of Article XIII without statutory authorization.

(4) Any accumulated unpaid balance under paragraph 4(c) of Article XIII of the Treaty at the date of termination of the Treaty shall be payable only to the extent of any operating surplus in the last year of the duration of the Treaty, and nothing in such paragraph may be construed as obligating the United States of America to pay, after the date of the termination of the Treaty, any such unpaid balance which shall have accrued before such date.

(5) Exchange of the instruments of ratification of the Panama Canal Treaty and of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal shall not be effective earlier than March 31, 1979, and such Treaties shall not enter into force prior to October 1, 1979, unless legislation necessary to implement the provisions of the Panama Canal Treaty shall have been enacted by the Congress of the United States of America before March 31, 1979.

(6) After the date of entry into force of the Treaty, the Panama Canal Commission shall, unless otherwise provided by legislation enacted by the Congress of the United States of America, be obligated to reimburse the Treasury of the United States of America, as nearly as possible, for the interest cost of the funds or other assets directly invested in the Commission by the Government of the United States of America and for the interest cost of the funds or other

assets directly invested in the predecessor Panama Canal Company by the Government of the United States of America and not reimbursed before the date of entry into force of the Treaty. Such reimbursement for such interest costs shall be made at a rate determined by the Secretary of the Treasury of the United States of America and at annual intervals to the extent earned, and if not earned, shall be made from subsequent earnings. For purposes of this reservation, the phrase "funds or other assets directly invested" shall have the same meaning as the phrase "net direct investment" has under section 62 of title 2 of the Canal Zone Code.

(b) UNDERSTANDINGS:

(1) Before the first day of the three-year period beginning on the date of entry into force of the Treaty and before each three-year period following thereafter, the two Parties shall agree upon the specific levels and quality of services, as are referred to in paragraph 5 of Article III of the Treaty, to be provided during the following three-year period and, except for the first three-year period, on the reimbursement to be made for the costs of such services, such services to be limited to such as are essential to the effective functioning of the Canal operating areas and the housing areas referred to in paragraph 5 of Article III. If payments made under paragraph 5 of Article III for the preceding three-year period, including the initial three-year period, exceed or are less than the actual costs to the Republic of Panama for supplying, during such period, the specific levels and

quality of services agreed upon, then the Panama Canal Commission shall deduct from or add to the payment required to be made to the Republic of Panama for each of the following three years one-third of such excess or deficit, as the case may be. There shall be an independent and binding audit, conducted by an auditor mutually selected by both Parties, of any costs of services disputed by the two Parties pursuant to the reexamination of such costs provided for in this understanding.

(2) Nothing in paragraph 3, 4, or 5 of Article IV of the Treaty may be construed to limit either the provisions of the first paragraph of Article IV providing that each Party shall act, in accordance with its constitutional processes, to meet danger threatening the security of the Panama Canal, or the provisions of paragraph 2 of Article IV providing that the United States of America shall have primary responsibility to protect and defend the Canal for the duration of the Treaty.

(3) Nothing in paragraph 4(c) of Article XIII of the Treaty shall be construed to limit the authority of the United States of America, through the United States Government agency called the Panama Canal Commission, to make such financial decisions and incur such expenses as are reasonable and necessary for the management, operation, and maintenance of the Panama Canal. In addition, toll rates established pursuant to paragraph 2(d) of Article III need not be set at levels designed to produce revenues to cover the payment to the Republic of Panama described in paragraph 4(c) of Article XIII.

(4) Any agreement concluded pursuant to paragraph 11 of Article IX of the Treaty with respect to the transfer of prisoners shall be concluded in accordance with the constitutional processes of both Parties.

(5) Nothing in the Treaty, in the Annex or Agreed Minute relating to the Treaty, or in any other agreement relating to the Treaty obligates the United States of America to provide any economic assistance, military grant assistance, security supporting assistance, foreign military sales credits, or international military education and training to the Republic of Panama.

(6) The President shall include all reservations and understandings incorporated by the Senate in this resolution of ratification in the instrument of ratification to be exchanged with the Government of the Republic of Panama.

The Treaty was ratified by the President of the United States of America on June 15, 1978, subject to the said reservations and understandings, in pursuance of the advice and consent of the Senate, and was ratified on the part of the Republic of Panama on June 16, 1978;

It is provided in Article II of the Treaty that the Treaty shall enter into force simultaneously with the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, six calendar months from the date of the exchange of the instruments of ratification

The instruments of ratification of the Treaty were delivered at Panama on June 16, 1978, with the exchange of the instruments of ratification effective on April 1, 1979, and accordingly the Treaty, subject to the said reservations and understandings, enters into force on October 1, 1979;

NOW, THEREFORE, I, Jimmy Carter, President of the United States of America, proclaim and make public the Treaty, subject to the said reservations and understandings, to the end that it shall be observed and fulfilled with good faith on and after October 1, 1979, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

[SEAL]

DONE at the city of Washington
this twenty-fourth day of
September in the year of
our Lord one thousand
nine hundred seventy-nine
and of the Independence
of the United States of
America the two hundred
fourth.

By the President:

Jimmy Carter [2]

Warren Christopher [1]
Acting Secretary of State

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[1] Warren Christopher.
[2] Jimmy Carter.

PANAMA CANAL TREATY

The United States of America and the Republic of Panama,

Acting in the spirit of the Joint Declaration of April 3, 1964,[1] by the Representatives of the Governments of the United States of America and the Republic of Panama, and of the Joint Statement of Principles of February 7, 1974,[2] initialed by the Secretary of State of the United States of America and the Foreign Minister of the Republic of Panama, and

Acknowledging the Republic of Panama's sovereignty over its territory,

Have decided to terminate the prior Treaties pertaining to the Panama Canal and to conclude a new Treaty to serve as the basis for a new relationship between them and, accordingly, have agreed upon the following:

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[1] *Department of State Bulletin*, Apr. 27, 1964, p. 656.

[2] *Department of State Bulletin*, Feb. 27, 1974, p. 184.

ARTICLE I

Abrogation of Prior Treaties and Establishment of a New Relationship

1. Upon its entry into force, this Treaty terminates and supersedes:

(a) The Isthmian Canal Convention between the United States of America and the Republic of Panama, signed at Washington, November 18, 1903;[1]

(b) The Treaty of Friendship and Cooperation signed at Washington, March 2, 1936,[2] and the Treaty of Mutual Understanding and Cooperation and the related Memorandum of Understandings Reached, signed at Panama, January 25, 1955,[3] between the United States of America and the Republic of Panama;

(c) All other treaties, conventions, agreements and exchanges of notes between the United States of America and the Republic of Panama, concerning the Panama Canal which were in force prior to the entry into force of this Treaty;[4] and

(d) Provisions concerning the Panama Canal which appear in other treaties, conventions, agreements and exchanges of notes between the United States of America and the Republic of Panama which were in force prior to the entry into force of this Treaty.

2. In accordance with the terms of this Treaty and related agreements, the Republic of Panama, as territorial sovereign, grants to the United States of America, for the duration of this Treaty, the rights

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[1] TS 431; 33 Stat. 2234; 10 Bevans 663.

[2] TS 945; 55 Stat. 1807; 10 Bevans 742.

[3] TIAS 3297; 6 UST 3297.

[4] See agreed minute, para. 1.

necessary to regulate the transit of ships through the Panama Canal, and to manage, operate, maintain, improve, protect and defend the Canal. The Republic of Panama guarantees to the United States of America the peaceful use of the land and water areas which it has been granted the rights to use for such purposes pursuant to this Treaty and related agreements.

3. The Republic of Panama shall participate increasingly in the management and protection and defense of the Canal, as provided in this Treaty.

4. In view of the special relationship established by this Treaty, the United States of America and the Republic of Panama shall cooperate to assure the uninterrupted and efficient operation of the Panama Canal.

ARTICLE II

Ratification, Entry into Force, and Termination

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of the two Parties. The instruments of ratification of this Treaty shall be exchanged at Panama at the same time as the instruments of ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal,[1] signed this date, are exchanged. This Treaty shall enter into force, simultaneously with the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, six calendar months

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[1] TIAS 10029; 33 UST.

from the date of the exchange of the instruments of ratification.[1]

2. This Treaty shall terminate at noon, Panama time, December 31, 1999.

ARTICLE III

Canal Operation and Management

1. The Republic of Panama, as territorial sovereign, grants to the United States of America the rights to manage, operate, and maintain the Panama Canal, its complementary works, installations and equipment and to provide for the orderly transit of vessels through the Panama Canal. The United States of America accepts the grant of such rights and undertakes to exercise them in accordance with this Treaty and related agreements.

2. In carrying out the foregoing responsibilities, the United States of America may:

(a) Use for the aforementioned purposes, without cost except as provided in this Treaty, the various installations and areas (including the Panama Canal) and waters, described in the Agreement in Implementation of this Article,[2] signed this date, as well as such other areas and installations as are made available to the United States of America under this Treaty and related agreements, and take the measures necessary to ensure sanitation of such areas;

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[1] Oct. 1, 1979.

[2] TIAS 10031; 33 UST.

(b) Make such improvements and alterations to the aforesaid installations and areas as it deems appropriate, consistent with the terms of this Treaty;

(c) Make and enforce all rules pertaining to the passage of vessels through the Canal and other rules with respect to navigation and maritime matters, in accordance with this Treaty and related agreements. The Republic of Panama will lend its cooperation, when necessary, in the enforcement of such rules;

(d) Establish, modify, collect and retain tolls for the use of the Panama Canal, and other charges, and establish and modify methods of their assessment;

(e) Regulate relations with employees of the United States Government;

(f) Provide supporting services to facilitate the performance of its responsibilities under this Article;

(g) Issue and enforce regulations for the effective exercise of the rights and responsibilities of the United States of America under this Treaty and related agreements. The Republic of Panama will lend its cooperation, when necessary, in the enforcement of such rules; and

(h) Exercise any other right granted under this Treaty, or otherwise agreed upon between the two Parties.

3. Pursuant to the foregoing grant of rights, the United States of America shall, in accordance with the terms of this Treaty and the provisions of United

States law, carry out its responsibilities by means of a United States Government agency called the Panama Canal Commission, which shall be constituted by and in conformity with the laws of the United States of America.

(a) The Panama Canal Commission shall be supervised by a Board composed of nine members, five of whom shall be nationals of the United States of America, and four of whom shall be Panamanian nationals proposed by the Republic of Panama for appointment to such positions by the United States of America in a timely manner.

(b) Should the Republic of Panama request the United States of America to remove a Panamanian national from membership on the Board, the United States of America shall agree to such a request. In that event, the Republic of Panama shall propose another Panamanian national for appointment by the United States of America to such position in a timely manner. In case of removal of a Panamanian member of the Board at the initiative of the United States of America, both Parties will consult in advance in order to reach agreement concerning such removal, and the Republic of Panama shall propose another Panamanian national for appointment by the United States of America in his stead.

(c) The United States of America shall employ a national of the United States of America as Administrator of the Panama Canal Commission, and a Panamanian national as Deputy Administrator, through December 31, 1989. Beginning January 1, 1990, a Panamanian national shall be employed as the Administrator and a national of the

United States of America shall occupy the position of Deputy Administrator. Such Panamanian nationals shall be proposed to the United States of America by the Republic of Panama for appointment to such positions by the United States of America.

(d) Should the United States of America remove the Panamanian national from his position as Deputy Administrator, or Administrator, the Republic of Panama shall propose another Panamanian national for appointment to such position by the United States of America.

4. An illustrative description of the activities the Panama Canal Commission will perform in carrying out the responsibilities and rights of the United States of America under this Article is set forth at the Annex. Also set forth in the Annex are procedures for the discontinuance or transfer of those activities performed prior to the entry into force of this Treaty by the Panama Canal Company or the Canal Zone Government which are not to be carried out by the Panama Canal Commission.

5. The Panama Canal Commission shall reimburse the Republic of Panama for the costs incurred by the Republic of Panama in providing the following public services in the Canal operating areas and in housing areas set forth in the Agreement in Implementation of Article III of this Treaty and occupied by both United States and Panamanian citizen employees of the Panama Canal Commission: police, fire protection, street

maintenance, street lighting, street cleaning, traffic management and garbage collection. The Panama Canal Commission shall pay the Republic of Panama the sum of ten million United States dollars ($10,000,000) per annum for the foregoing services. It is agreed that every three years from the date that this Treaty enters into force, the costs involved in furnishing said services shall be reexamined to determine whether adjustment of the annual payment should be made because of inflation and other relevant factors affecting the cost of such services.

6. The Republic of Panama shall be responsible for providing, in all areas comprising the former Canal Zone, services of a general jurisdictional nature such as customs and immigration, postal services, courts and licensing, in accordance with this Treaty and related agreements.

7. The United States of America and the Republic of Panama shall establish a Panama Canal Consultative Committee, composed of an equal number of high-level representatives of the United States of America and the Republic of Panama, and which may appoint such subcommittees as it may deem appropriate. This Committee shall advise the United States of America and the Republic of Panama on matters of policy affecting the Canal's operation. In view of both Parties' special interest in the continuity and efficiency of the Canal operation in the future, the Committee shall advise on matters such as general tolls policy, employment and training policies to increase the participation

of Panamanian nationals in the operation of the Canal, and international policies on matters concerning the Canal. The Committee's recommendations shall be transmitted to the two Governments, which shall give such recommendations full consideration in the formulation of such policy decisions.

8. In addition to the participation of Panamanian nationals at high management levels of the Panama Canal Commission, as provided for in paragraph 3 of this Article, there shall be growing participation of Panamanian nationals at all other levels and areas of employment in the aforesaid Commission, with the objective of preparing, in an orderly and efficient fashion, for the assumption by the Republic of Panama of full responsibility for the management, operation and maintenance of the Canal upon the termination of this Treaty.

9. The use of the areas, waters and installations with respect to which the United States of America is granted rights pursuant to this Article, and the rights and legal status of United States Government agencies and employees operating in the Republic of Panama pursuant to this Article, shall be governed by the Agreement in Implementation of this Article, signed this date.

10. Upon entry into force of this Treaty, the United States Government agencies known as the Panama Canal Company and the Canal Zone Government shall cease to operate within the territory of the Republic of Panama that formerly constituted the Canal Zone.

ARTICLE IV

Protection and Defense

1. The United States of America and the Republic of Panama commit themselves to protect and defend the Panama Canal. Each Party shall act, in accordance with its constitutional processes, to meet the danger resulting from an armed attack or other actions which threaten the security of the Panama Canal or of ships transiting it.

2. For the duration of this Treaty, the United States of America shall have primary responsibility to protect and defend the Canal. The rights of the United States of America to station, train, and move military forces within the Republic of Panama are described in the Agreement in Implementation of this Article, signed this date.[1] The use of areas and installations and the legal status of the armed forces of the United States of America in the Republic of Panama shall be governed by the aforesaid Agreement.

3. In order to facilitate the participation and cooperation of the armed forces of both Parties in the protection and defense of the Canal, the United States of America and the Republic of Panama shall establish a Combined Board comprised of an equal number of senior military representatives of each Party. These representatives shall be charged by their respective governments with consulting and cooperating on all matters pertaining to the protection and defense of the Canal,

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[1] TIAS 10032; 33 UST.

and with planning for actions to be taken in concert for that purpose. Such combined protection and defense arrangements shall not inhibit the identity or lines of authority of the armed forces of the United States of America or the Republic of Panama. The Combined Board shall provide for coordination and cooperation concerning such matters as:

(a) The preparation of contingency plans for the protection and defense of the Canal based upon the cooperative efforts of the armed forces of both Parties;

(b) The planning and conduct of combined military exercises; and

(c) The conduct of United States and Panamanian military operations with respect to the protection and defense of the Canal.

4. The Combined Board shall, at five-year intervals throughout the duration of this Treaty, review the resources being made available by the two Parties for the protection and defense of the Canal. Also, the Combined Board shall make appropriate recommendations to the two Governments respecting projected requirements, the efficient utilization of available resources of the two Parties, and other matters of mutual interest with respect to the protection and defense of the Canal.

5. To the extent possible consistent with its primary responsibility for the protection and defense of the Panama Canal, the United States of America will endeavor to maintain its armed forces in the Republic of Panama in normal times at a level not in excess of

that of the armed forces of the United States of America in the territory of the former Canal Zone immediately prior to the entry into force of this Treaty.

ARTICLE V

Principle of Non-Intervention

Employees of the Panama Canal Commission, their dependents and designated contractors of the Panama Canal Commission, who are nationals of the United States of America, shall respect the laws of the Republic of Panama and shall abstain from any activity incompatible with the spirit of this Treaty. Accordingly, they shall abstain from any political activity in the Republic of Panama as well as from any intervention in the internal affairs of the Republic of Panama. The United States of America shall take all measures within its authority to ensure that the provisions of this Article are fulfilled.

ARTICLE VI

Protection of the Environment

1. The United States of America and the Republic of Panama commit themselves to implement this Treaty in a manner consistent with the protection of the natural environment of the Republic of Panama. To this end, they shall consult and cooperate with each other in all appropriate ways to ensure that they shall

give due regard to the protection and conservation of the environment.

2. A Joint Commission on the Environment shall be established with equal representation from the United States of America and the Republic of Panama, which shall periodically review the implementation of this Treaty and shall recommend as appropriate to the two Governments ways to avoid or, should this not be possible, to mitigate the adverse environmental impacts which might result from their respective actions pursuant to the Treaty.

3. The United States of America and the Republic of Panama shall furnish the Joint Commission on the Environment complete information on any action taken in accordance with this Treaty which, in the judgment of both, might have a significant effect on the environment. Such information shall be made available to the Commission as far in advance of the contemplated action as possible to facilitate the study by the Commission of any potential environmental problems and to allow for consideration of the recommendation of the Commission before the contemplated action is carried out.

ARTICLE VII

Flags

1. The entire territory of the Republic of Panama, including the areas the use of which the Republic of

Panama makes available to the United States of America pursuant to this Treaty and related agreements, shall be under the flag of the Republic of Panama, and consequently such flag always shall occupy the position of honor.

2. The flag of the United States of America may be displayed, together with the flag of the Republic of Panama, at the headquarters of the Panama Canal Commission, at the site of the Combined Board, and as provided in the Agreement in Implementation of Article IV of this Treaty.

3. The flag of the United States of America also may be displayed at other places and on some occasions, as agreed by both Parties.

ARTICLE VIII

Privileges and Immunities

1. The installations owned or used by the agencies or instrumentalities of the United States of America operating in the Republic of Panama pursuant to this Treaty and related agreements, and their official archives and documents, shall be inviolable. The two Parties shall agree on procedures to be followed in the conduct of any criminal investigation at such locations by the Republic of Panama.

2. Agencies and instrumentalities of the Government of the United States of America operating in the

Republic of Panama pursuant to this Treaty and related agreements shall be immune from the jurisdiction of the Republic of Panama.

3. In addition to such other privileges and immunities as are afforded to employees of the United States Government and their dependents pursuant to this Treaty, the United States of America may designate up to twenty officials of the Panama Canal Commission who, along with their dependents, shall enjoy the privileges and immunities accorded to diplomatic agents and their dependents under international law and practice. The United States of America shall furnish to the Republic of Panama a list of the names of said officials and their dependents, identifying the positions they occupy in the Government of the United States of America, and shall keep such list current at all times.

ARTICLE IX

Applicable Laws and Law Enforcement

1. In accordance with the provisions of this Treaty and related agreements, the law of the Republic of Panama shall apply in the areas made available for the use of the United States of America pursuant to this Treaty. The law of the Republic of Panama shall be applied to matters or events which occurred in the former Canal Zone prior to the entry into force of this Treaty only to the extent specifically provided in prior treaties and agreements.

2. Natural or juridical persons who, on the date of entry into force of this Treaty, are engaged in business or non-profit activities at locations in the former Canal Zone may continue such business or activities at those locations under the same terms and conditions prevailing prior to the entry into force of this Treaty for a thirty-month transition period from its entry into force. The Republic of Panama shall maintain the same operating conditions as those applicable to the aforementioned enterprises prior to the entry into force of this Treaty in order that they may receive licenses to do business in the Republic of Panama subject to their compliance with the requirements of its law. Thereafter, such persons shall receive the same treatment under the law of the Republic of Panama as similar enterprises already established in the rest of the territory of the Republic of Panama without discrimination.

3. The rights of ownership, as recognized by the United States of America, enjoyed by natural or juridical private persons in buildings and other improvements to real property located in the former Canal Zone shall be recognized by the Republic of Panama in conformity with its laws.

4. With respect to buildings and other improvements to real property located in the Canal operating areas, housing areas or other areas subject to the licensing procedure established in Article IV of the Agreement in Implementation of Article III of this Treaty, the owners shall be authorized to continue using the land

upon which their property is located in accordance with the procedures established in that Article.

5. With respect to buildings and other improvements to real property located in areas of the former Canal Zone to which the aforesaid licensing procedure is not applicable, or may cease to be applicable during the lifetime or upon termination of this Treaty, the owners may continue to use the land upon which their property is located, subject to the payment of a reasonable charge to the Republic of Panama. Should the Republic of Panama decide to sell such land, the owners of the buildings or other improvements located thereon shall be offered a first option to purchase such land at a reasonable cost. In the case of non-profit enterprises, such as churches and fraternal organizations, the cost of purchase will be nominal in accordance with the prevailing practice in the rest of the territory of the Republic of Panama.

6. If any of the aforementioned persons are required by the Republic of Panama to discontinue their activities or vacate their property for public purposes, they shall be compensated at fair market value by the Republic of Panama.

7. The provisions of paragraphs 2-6 above shall apply to natural or juridical persons who have been engaged in business or non-profit activities at locations in the former Canal Zone for at least six months prior to the date of signature of this Treaty.

8. The Republic of Panama shall not issue, adopt or enforce any law, decree, regulation, or international

agreement or take any other action which purports to regulate or would otherwise interfere with the exercise on the part of the United States of America of any right granted under this Treaty or related agreements.

9. Vessels transiting the Canal, and cargo, passengers and crews carried on such vessels shall be exempt from any taxes, fees, or other charges by the Republic of Panama. However, in the event such vessels call at a Panamanian port, they may be assessed charges incident thereto, such as charges for services provided to the vessel. The Republic of Panama may also require the passengers and crew disembarking from such vessels to pay such taxes, fees and charges as are established under Panamanian law for persons entering its territory. Such taxes, fees and charges shall be assessed on a nondiscriminatory basis.

10. The United States of America and the Republic of Panama will cooperate in taking such steps as may from time to time be necessary to guarantee the security of the Panama Canal Commission, its property, its employees and their dependents, and their property, the Forces of the United States of America and the members thereof, the civilian component of the United States Forces, the dependents of members of the Forces and the civilian component, and their property, and the contractors of the Panama Canal Commission and of the United States Forces, their dependents, and their property. The Republic of Panama will seek from its

Legislative Branch such legislation as may be needed to carry out the foregoing purposes and to punish any offenders.

11. The Parties shall conclude an agreement whereby nationals of either State, who are sentenced by the courts of the other State, and who are not domiciled therein, may elect to serve their sentences in their State of nationality.[1]

ARTICLE X

Employment with the Panama Canal Commission

1. In exercising its rights and fulfilling its responsibilities as the employer, the United States of America shall establish employment and labor regulations which shall contain the terms, conditions and prerequisites for all categories of employees of the Panama Canal Commission. These regulations shall be provided to the Republic of Panama prior to their entry into force.

2. (a) The regulations shall establish a system of preference when hiring employees, for Panamanian applicants possessing the skills and qualifications required for employment by the Panama Canal Commission. The United States of America shall endeavor to ensure that the number of Panamanian nationals employed by the Panama Canal Commission in relation to the total number of its employees will conform to the proportion established for foreign enterprises under the law of the Republic of Panama.

(b) The terms and conditions of employment to be established will in general be no less favorable to persons already employed by the Panama Canal Company or Canal Zone Government prior to the entry into force of this Treaty, than those in effect immediately prior to that date.

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[1] TIAS 9787; 31 UST.

3. (a) The United States of America shall establish an employment policy for the Panama Canal Commission that shall generally limit the recruitment of personnel outside the Republic of Panama to persons possessing requisite skills and qualifications which are not available in the Republic of Panama.

(b) The United States of America will establish training programs for Panamanian employees and apprentices in order to increase the number of Panamanian nationals qualified to assume positions with the Panama Canal Commission, as positions become available.

(c) Within five years from the entry into force of this Treaty, the number of United States nationals employed by the Panama Canal Commission who were previously employed by the Panama Canal Company shall be at least twenty percent less than the total number of United States nationals working for the Panama Canal Company immediately prior to the entry into force of this Treaty.

(d) The United States of America shall periodically inform the Republic of Panama, through the Coordinating Committee, established pursuant to the Agreement in Implementation of Article III of this Treaty, of available positions within the Panama Canal Commission. The Republic of Panama shall similarly provide the United

States of America any information it may have as to the availability of Panamanian nationals claiming to have skills and qualifications that might be required by the Panama Canal Commission, in order that the United States of America may take this information into account.

4. The United States of America will establish qualification standards for skills, training and experience required by the Panama Canal Commission. In establishing such standards, to the extent they include a requirement for a professional license, the United States of America, without prejudice to its right to require additional professional skills and qualifications, shall recognize the professional licenses issued by the Republic of Panama.

5. The United States of America shall establish a policy for the periodic rotation, at a maximum of every five years, of United States citizen employees and other non-Panamanian employees, hired after the entry into force of this Treaty. It is recognized that certain exceptions to the said policy of rotation may be made for sound administrative reasons, such as in the case of employees holding positions requiring certain non-transferable or non-recruitable skills.

6. With regard to wages and fringe benefits, there shall be no discrimination on the basis of nationality, sex, or race. Payments by the Panama Canal Commission of additional remuneration, or the provision of other benefits, such as home leave benefits, to United States nationals employed prior to entry into force of this

Treaty, or to persons of any nationality, including Panamanian nationals who are thereafter recruited outside of the Republic of Panama and who change their place of residence, shall not be considered to be discrimination for the purpose of this paragraph.

7. Persons employed by the Panama Canal Company or Canal Zone Government prior to the entry into force of this Treaty, who are displaced from their employment as a result of the discontinuance by the United States of America of certain activities pursuant to this Treaty, will be placed by the United States of America, to the maximum extent feasible, in other appropriate jobs with the Government of the United States in accordance with United States Civil Service regulations. For such persons who are not United States nationals, placement efforts will be confined to United States Government activities located within the Republic of Panama. Likewise, persons previously employed in activities for which the Republic of Panama assumes responsibility as a result of this Treaty will be continued in their employment to the maximum extent feasible by the Republic of Panama. The Republic of Panama shall, to the maximum extent feasible, ensure that the terms and conditions of employment applicable to personnel employed in the activities for which it assumes responsibility are no less favorable than those in effect immediately prior to the entry into force of this Treaty. Non-United States nationals employed by the Panama Canal Company or Canal Zone Government prior to the entry into force

of this Treaty who are involuntarily separated from their positions because of the discontinuance of an activity by reason of this Treaty, who are not entitled to an immediate annuity under the United States Civil Service Retirement System, and for whom continued employment in the Republic of Panama by the Government of the United States of America is not practicable, will be provided special job placement assistance by the Republic of Panama for employment in positions for which they may be qualified by experience and training.

8. The Parties agree to establish a system whereby the Panama Canal Commission may, if deemed mutually convenient or desirable by the two Parties, assign certain employees of the Panama Canal Commission, for a limited period of time, to assist in the operation of activities transferred to the responsibility of the Republic of Panama as a result of this Treaty or related agreements. The salaries and other costs of employment of any such persons assigned to provide such assistance shall be reimbursed to the United States of America by the Republic of Panama.

9. (a) The right of employees to negotiate collective contracts with the Panama Canal Commission is recognized. Labor relations with employees of the Panama Canal Commission shall be conducted in accordance with forms of collective bargaining established by the United States of America after consultation with employee unions.

(b) Employee unions shall have the right to affiliate with international labor organizations.

10. The United States of America will provide an appropriate early optional retirement program for all persons employed by the Panama Canal Company or Canal Zone Government immediately prior to the entry into force of this Treaty. In this regard, taking into account the unique circumstances created by the provisions of this Treaty, including its duration, and their effect upon such employees, the United States of America shall, with respect to them:

(a) determine that conditions exist which invoke applicable United States law permitting early retirement annuities and apply such law for a substantial period of the duration of the Treaty;

(b) seek special legislation to provide more liberal entitlement to, and calculation of, retirement annuities than is currently provided for by law.

ARTICLE XI

Provisions for the Transition Period

The Republic of Panama shall reassume plenary jurisdiction over the former Canal Zone upon entry into force of this Treaty and in accordance with its terms.

1. In order to provide for an orderly transition to the full application of the jurisdictional arrangements established by this Treaty and related agreements, the provisions of this Article shall become applicable upon the date this Treaty enters into force, and shall

remain in effect for thirty calendar months. The authority granted in this Article to the United States of America for this transition period shall supplement, and is not intended to limit, the full application and effect of the rights and authority granted to the United States of America elsewhere in this Treaty and in related agreements.

2. During this transition period, the criminal and civil laws of the United States of America shall apply concurrently with those of the Republic of Panama in certain of the areas and installations made available for the use of the United States of America pursuant to this Treaty, in accordance with the following provisions:

(a) The Republic of Panama permits the authorities of the United States of America to have the primary right to exercise criminal jurisdiction over United States citizen employees of the Panama Canal Commission and their dependents, and members of the United States Forces and civilian component and their dependents, in the following cases:

(i) for any offense committed during the transition period within such areas and installations, and

(ii) for any offense committed prior to that period in the former Canal Zone.

The Republic of Panama shall have the primary right to exercise jurisdiction over all other offenses committed by such persons, except as otherwise provided in this Treaty and related agreements or as may be otherwise agreed.

(b) Either Party may waive its primary right to exercise jurisdiction in a specific case or category of cases.

3. The United States of America shall retain the right to exercise jurisdiction in criminal cases relating to offenses committed prior to the entry into force of this Treaty in violation of the laws applicable in the former Canal Zone.

4. For the transition period, the United States of America shall retain police authority and maintain a police force in the aforementioned areas and installations. In such areas, the police authorities of the United States of America may take into custody any person not subject to their primary jurisdiction if such person is believed to have committed or to be committing an offense against applicable laws or regulations, and shall promptly transfer custody to the police authorities of the Republic of Panama. The United States of America and the Republic of Panama shall establish joint police patrols in agreed areas. Any arrests conducted by a joint patrol shall be the responsibility of the patrol member or members representing the Party having primary jurisdiction over the person or persons arrested.

5. The courts of the United States of America and related personnel, functioning in the former Canal Zone immediately prior to the entry into force of this

Treaty, may continue to function during the transition period for the judicial enforcement of the jurisdiction to be exercised by the United States of America in accordance with this Article.

6. In civil cases, the civilian courts of the United States of America in the Republic of Panama shall have no jurisdiction over new cases of a private civil nature, but shall retain full jurisdiction during the transition period to dispose of any civil cases, including admiralty cases, already instituted and pending before the courts prior to the entry into force of this Treaty.

7. The laws, regulations, and administrative authority of the United States of America applicable in the former Canal Zone immediately prior to the entry into force of this Treaty shall, to the extent not inconsistent with this Treaty and related agreements, continue in force for the purpose of the exercise by the United States of America of law enforcement and judicial jurisdiction only during the transition period. The United States of America may amend, repeal or otherwise change such laws, regulations and administrative authority. The two Parties shall consult concerning procedural and substantive matters relative to the implementation of this Article, including the disposition of cases pending at the end of the transition period and, in this respect, may enter into appropriate agreements by an exchange of notes or other instrument.

8. During this transition period, the United States of America may continue to incarcerate individuals in the areas and installations made available for the use of the United States of America by the Republic of Panama pursuant to this Treaty and related agreements, or to transfer them to penal facilities in the United States of America to serve their sentences.

ARTICLE XII

A Sea-Level Canal or a Third Lane of Locks

1. The United States of America and the Republic of Panama recognize that a sea-level canal may be important for international navigation in the future. Consequently, during the duration of this Treaty, both Parties commit themselves to study jointly the feasibility of a sea-level canal in the Republic of Panama, and in the event they determine that such a waterway is necessary, they shall negotiate terms, agreeable to both Parties, for its construction.

2. The United States of America and the Republic of Panama agree on the following:

(a) No new interoceanic canal shall be constructed in the territory of the Republic of Panama during the duration of this Treaty, except in accordance with the provisions of this Treaty, or as the two Parties may otherwise agree; and

(b) During the duration of this Treaty, the United States of America shall not negotiate with third States for the right to construct an interoceanic canal on any other route in the Western Hemisphere, except as the two Parties may otherwise agree.

3. The Republic of Panama grants to the United States of America the right to add a third lane of locks to the existing Panama Canal. This right may be exercised at any time during the duration of this Treaty, provided that the United States of America has delivered to the Republic of Panama copies of the plans for such construction.

4. In the event the United States of America exercises the right granted in paragraph 3 above, it may use for that purpose, in addition to the areas otherwise made available to the United States of America pursuant to this Treaty, such other areas as the two Parties may agree upon. The terms and conditions applicable to Canal operating areas made available by the Republic of Panama for the use of the United States of America pursuant to Article III of this Treaty shall apply in a similar manner to such additional areas.

5. In the construction of the aforesaid works, the United States of America shall not use nuclear excavation techniques without the previous consent of the Republic of Panama.

ARTICLE XIII

Property Transfer and Economic Participation by the Republic of Panama

1. Upon termination of this Treaty, the Republic of Panama shall assume total responsibility for

the management, operation, and maintenance of the Panama Canal, which shall be turned over in operating condition and free of liens and debts, except as the two Parties may otherwise agree.

2. The United States of America transfers, without charge, to the Republic of Panama all right, title and interest the United States of America may have with respect to all real property, including non-removable improvements thereon, as set forth below:

(a) Upon the entry into force of this Treaty, the Panama Railroad and such property that was located in the former Canal Zone but that is not within the land and water areas the use of which is made available to the United States of America pursuant to this Treaty. However, it is agreed that the transfer on such date shall not include buildings and other facilities, except housing, the use of which is retained by the United States of America pursuant to this Treaty and related agreements, outside such areas;

(b) Such property located in an area or a portion thereof at such time as the use by the United States of America of such area or portion thereof ceases pursuant to agreement between the two Parties.

(c) Housing units made available for occupancy by members of the Armed Forces of the Republic of Panama in accordance with paragraph 5(b) of Annex B to the Agreement in Implementation of Article IV of this Treaty at such time as such units are made available to the Republic of Panama.

(d) Upon termination of this Treaty, all real property, and non-removable improvements that were used by the United States of America for the purposes of this Treaty and related agreements, and equipment related to the management, operation and maintenance of the Canal remaining in the Republic of Panama.

3. The Republic of Panama agrees to hold the United States of America harmless with respect to any claims which may be made by third parties relating to rights, title and interest in such property.

4. The Republic of Panama shall receive, in addition, from the Panama Canal Commission a just and equitable return on the national resources which it has dedicated to the efficient management, operation, maintenance, protection and defense of the Panama Canal, in accordance with the following:

(a) An annual amount to be paid out of Canal operating revenues computed at a rate of thirty hundredths of a United States dollar ($0.30) per Panama Canal net ton, or its equivalency, for each vessel transiting the Canal, after the entry into force of this Treaty, for which tolls are charged. The rate of thirty hundredths of a United States dollar ($0.30) per Panama Canal net ton, or its equivalency, will be adjusted to reflect changes in the United States wholesale price index[1] for total manufactured goods during biennial periods. The first adjustment shall take place five years after entry into force of this Treaty, taking into account the changes that occurred in such price index during the preceding two years. Thereafter successive adjustments shall take place at the end of each biennial period. If the United States of America should decide that another indexing method is preferable, such method shall be proposed to the Republic of Panama and applied if mutually agreed.

(b) A fixed annuity of ten million United States dollars ($10,000,000) to be paid out of Canal operating revenues. This amount shall constitute a fixed expense of the Panama Canal Commission.

(c) An annual amount of up to ten million United States dollars ($10,000,000) per year, to be paid out of Canal operating revenues to the extent that such revenues exceed expenditures of the Panama Canal Commission including amounts paid pursuant to this Treaty. In the event Canal operating revenues in any year do not produce a surplus sufficient to cover this payment, the unpaid balance shall be paid from operating surpluses in future years in a manner to be mutually agreed.

ARTICLE XIV

Settlement of Disputes

In the event that any question should arise between the Parties concerning the interpretation of this Treaty or related agreements, they shall make every effort to resolve the matter through consultation in the appropriate committees established pursuant to this Treaty and related agreements, or, if appropriate, through diplomatic channels. In the event the Parties are unable to resolve a particular matter through such means, they may, in appropriate cases, agree to submit the matter to conciliation, mediation, arbitration, or such other procedure for the peaceful settlement of the dispute as they may mutually deem appropriate.

6. Panama Canal Act of 1979[1]

Public Law 96–70 [H.R. 111], 93 Stat. 452, approved September 27, 1979; as amended by Public Law 98–217 [H.R. 3969], 98 Stat. 9, approved February 14, 1984; Public Law 99–195 [H.R. 664], 99 Stat. 1349, approved December 23, 1985; Public Law 99–209 [H.R. 729], 99 Stat. 1716, approved December 23, 1985; Public Law 99–223 [H.R. 1784], approved December 28, 1985; Public Law 99–368 [H.R. 4409], 100 Stat. 775, approved August 1, 1986; Public Law 100–203 [H.R. 3545], 101 Stat. 1330, approved December 22, 1987; and by Public Law 100–705 [H.R. 5287], 102 Stat. 4685, approved November 19, 1988

AN ACT To provide for the operation and maintenance of the Panama Canal under the Panama Treaty of 1977, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Panama Canal Act of 1979".

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[1] 22 U.S.C. 3601–3871.

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STATEMENT OF PURPOSE

Sec. 2. It is the purpose of this Act to provide legislation necessary or desirable for the implementation of the Panama Canal Treaty of 1977 between the United States of America and the Republic of Panama and of the related agreements accompanying that Treaty.

DEFINITIONS AND RECOMMENDATION FOR LEGISLATION

Sec. 3. (a) For purposes of this Act—

(1) references to the Panama Canal Treaty of 1977 refer to the Panama Canal Treaty between the United States of America and the Republic of Panama, signed September 7, 1977; and

(2) references to the Panama Canal Treaty of 1977 and related agreements refer to the Panama Canal Treaty of 1977, the agreements relating to and implementing that Treaty, signed September 7, 1977; and the Agreement Between the United States of America and the Republic of Panama Concerning Air Traffic Control and Related Services, concluded January 8, 1979.

(b) Subject to the provisions of subsection (c) of this section, for purposes of applying the Canal Zone Code or other laws of the United States and regulations issued pursuant to such Code or other laws with respect to transactions, occurrences, or status on or after the effective date of this Act—

(1) "Canal Zone" shall be deemed to refer to the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements;

(2) "Canal Zone waters" and "waters of the Canal Zone" shall be deemed to refer to "Panama Canal waters" and "waters of the Panama Canal", respectively;

(3) "Government of the Canal Zone" or "Canal Zone Government" shall be deemed to refer to the United States of America;

(4) "Governor of the Canal Zone" or "Governor", wherever the reference is to the Governor of the Canal Zone, shall be deemed to refer to the Panama Canal Commission;

(5) "Panama Canal Company" or "Company", wherever the reference is to the Panama Canal Company, shall be deemed to refer to the Panama Canal Commission;

(6) in chapter 57 of title 5 of the Canal Zone, "hospitals" and "health Bureau" shall be deemed to refer, respectively, to the hospitals operated by the United States in the Republic of Panama, and to the organizational unit operating such hospitals; and

(7) in chapter 57 of title 5 of the Canal Zone Code, in section 4784 of title 6 of such Code, and in section 2 of title 7 of such Code, "health director" shall be deemed to refer to the senior official in charge of the hospitals operated by the United States in the Republic of Panama.

(c) Any reference set forth in subsection (b) of this section shall apply except as otherwise provided in this Act or unless (1) such reference is inconsistent with the provisions of this Act, (2) in the context in which a term is used such reference is clearly not intended, or (3) a term refers to a time before the effective date of this Act.

The President shall, within two years after the Panama Canal Treaty of 1977 enters into force, submit to the Congress a request for legislation which would—

(1) amend or repeal provisions of law which in their present form are applicable only during the transition period prescribed in Article XI of that Treaty.

(2) repeal the Canal Zone Code, and

(3) contain provisions considered necessary and appropriate in light of the experience as of that time under that Treaty.

TITLE I—ADMINISTRATION AND REGULATIONS

CHAPTER 1—PANAMA CANAL COMMISSION

ESTABLISHMENT OF COMMISSION

Sec. 1101. There is established in the executive branch of the United States Government an agency to be known as the Panama Canal Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall, under the general supervision of the Board established by section 1102 of this Act, be responsible for the maintenance and operation of the Panama Canal and the facilities and appurtenances related thereto. The authority of the President with respect to the Commission shall be exercised through the Secretary of Defense.

SUPERVISORY BOARD

Sec. 1102. (a) The Commission shall be supervised by a Board composed of nine members, one of whom shall be the Secretary of

Defense or an officer of the Department of Defense designated by the Secretary. Not less than five members of the Board shall be nationals of the United States and the remaining members shall be nationals of the Republic of Panama. At least one of the members of the Board who are nationals of the United States shall be experienced and knowledgeable in the management or operation of an American-flag steamship line which has or had ships regularly transiting the Panama Canal, at least one other such member shall be experienced and knowledgeable in United States port operations or in the business of exporting or importing one of the regular commodities dependent on the Panama Canal as a transportation route, and at least one other such member shall be experienced and knowledgeable in labor matters in the United States. Three members of the Board shall hold no other office in or be employed by the Government of the United States. Members of the Board who are nationals of the United States shall cast their votes as directed by the Secretary of Defense or his designee.

(b) The President shall appoint the members of the Board. The members of the Board who are United States nationals shall be appointed by and with the advice and consent of the Senate. Each member of the Board shall hold office at the pleasure of the President and, before assuming the duties of such office, shall take an oath to discharge faithfully the duties of his office. Members of the Board shall serve without compensation but shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, in accordance with section 1107 of this Act or, as authorized by the Chairman of the Board, while on official Panama Canal Commission business.[2]

(c) The Board shall hold meetings as provided in regulations adopted by the Commission and approved by the Secretary of Defense. A quorum for the transaction of business shall consist of a majority of the Board members of which a majority of those present are nationals of the United States. The Secretary of Defense, or the officer of the Department of Defense designated by the Secretary under subsection (a) of this section, may act by proxy for any other member of the Board if that other member authorizes the proxy in writing and signs the proxy.[3] The proxy may be counted to establish a quorum and may be used by the Secretary of Defense, or the officer of the Department of Defense designated by the Secretary under subsection (a) of this section, to cast the vote of the absent Board member and to act for that member with all the powers that member would possess if present,[4] except that, in addition to such travel or transportation expenses, members of the Board who hold no other office with either the Government of the United States or the Republic of Panama for which they receive pay are authorized to be compensated at the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which they are traveling to or from or attending meetings of the Board as provided in subsection (c) of this section.[5]

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[2] The words beginning "or, as authorized" and ending at this point were added by sec. 5416 of title V of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203, 101 Stat. 1330-270).

[3] Sec. 7 of Public Law 100–705 (102 Stat. 4686) struck out at this point the sentence: "Only one proxy may be valid at any one time."

[4] Public Law 98–217 (98 Stat. 9) added sentences three, four, and five of subsec. (c).

ADMINISTRATOR

Sec. 1103. There shall be an Administrator of the Commission, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President.

DEPUTY ADMINISTRATOR AND CHIEF ENGINEER

Sec. 1104. (a) There shall be a Deputy Administrator and a Chief Engineer of the Commission, both of whom shall be appointed by the President. The Deputy Administrator and the Chief Engineer shall perform such duties as may be prescribed by the President.

(b) The Deputy Administrator and the Chief Engineer shall each be paid compensation at a rate of pay established by the President which does not exceed the rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

CONSULTATIVE COMMITTEE

Sec. 1105. (a) The President shall designate, and the Secretary of State shall coordinate the participation of, representatives of the United States to the Consultative Committee to be established under paragraph 7 of Article III of the Panama Canal Treaty of 1977.

(b) The Consultative Committee shall function as a diplomatic forum for the exchange of views between the United States and the Republic of Panama. The Committee shall advise the United States Government and the Government of the Republic of Panama on matters of policy affecting the operation of the Panama Canal. The Committee shall have no authority to direct the Commission or any other department or agency of the United States to initiate or withhold action.

JOINT COMMISSION ON THE ENVIRONMENT

Sec. 1106. (a) The United States and the Republic of Panama, in accordance with the Panama Canal Treaty of 1977, shall establish a Joint Commission on the Environment (hereinafter in this section referred to as the "Joint Commission") to be composed of not more than three representatives of the United States and three representatives of the Republic of Panama, or such other equivalent numbers of representatives as may be agreed upon by the Governments of the two countries. The United States members of the Joint Commission shall periodically review the implementation of the Panama Canal Treaty of 1977 with respect to its impact on the environment and shall, jointly with the representatives of the Government of Panama, make recommendations to the United States Government and the Government of the Republic of Panama with respect to ways to avoid or mitigate adverse environmental impacts resulting from actions taken pursuant to such Treaty.

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[5] Added by sec. 6 of Public Law 99-223 (99 Stat. 1740).

(b) Representatives of the United States on the Joint Commission shall be appointed by the President and shall serve at the pleasure of the President. Such representatives shall serve without compensation but shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, in accordance with section 1107 of this Act.

(c) Any Federal employee subject to the civil service laws and regulations who is detailed to serve with, or appointed by, the United States representatives on the Joint Commission shall not lose any pay, seniority, or other rights or benefits by reason of such detail or appointment.

(d) The United States representatives on the Joint Commission may, to such extent or in such amounts as are provided in advance in appropriation Acts, appoint and fix the compensation of such personnel as the representatives of the United States on the Joint Commission may consider necessary for the participation of the United States on the Joint Commission.

(e) The United States representatives on the Joint Commission may, in cooperation with the representatives of the Republic of Panama on the Joint Commission in conducting its affairs, subject to the approval of such rules by the Governments of the United States and the Republic of Panama.

TRAVEL EXPENSES

Sec. 1107. While away from their homes, regular places of business, or official stations in performance of services under this chapter, members of the Board of the Commission and the representatives of the United States on the Consultative Committee referred to in section 1105 of this Act and on the Joint Commission on the Environment referred to in section 1106 of this Act shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

DEFENSE OF THE PANAMA CANAL

Sec. 1108. In the event of an armed attack against the Panama Canal, or when, in the opinion of the President, conditions exist which threaten the security of the Canal, the Administrator of the Commission shall, upon the order of the President, comply with such directives as the United States military officer charged with the protection and defense of the Panama Canal may consider necessary in the exercise of his duties.

JOINT SEA LEVEL CANAL STUDY COMMITTEE

Sec. 1109. (a) The President shall appoint the representatives of the United States to any joint committee or body with the Republic of Panama (to study the possibility of a sea level canal in the Republic of Panama) pursuant to Article XII of the Panama Canal Treaty of 1977.

(b) Upon the completion of any joint study between the United States and the Republic of Panama concerning the feasibility of a sea level canal in the Republic of Panama pursuant to paragraph 1 of Article XII of the Panama Canal Treaty of 1977, the test of the study shall be transmitted by the President of the Senate and to the Speaker of the House of Representatives.

(c) No construction of a sea level canal by the United States in the Republic of Panama shall be undertaken except with express congressional authorization after submission of the study by the President as provided in subsection (b) of this section.

AUTHORITY OF THE AMBASSADOR

Sec. 1110. (a) The United States Ambassador to the Republic of Panama with respect to the responsibilities of the Commission for the transfer to the Republic of Panama of those functions that are to be assumed by the Republic of Panama pursuant to the Panama Canal Treaty of 1977 and related agreements.

(b)(1) The Commission shall not be subject to the direction or supervision of the United States Chief of Mission in the Republic of Panama with respect to the responsibilities of the Commission for the operation, management, or maintenance of the Panama Canal, as established in this or any other Act or in the Panama Canal Treaty of 1977 and related agreements, except that the Commission shall keep the Ambassador fully and currently informed with respect to all activities and operations of the Commission.

(2) Except as provided in paragraph (1) of this subsection, section 16 of the Act of August 1, 1956 (22 U.S.C. 2680a), shall apply with respect to the activities of the Commission.

SECURITY LEGISLATION

Sec. 1111. It is the sense of the Congress that the best interests of the United States require that the President enter into negotiations with the Republic of Panama for the purpose of arranging for the stationing of United States military forces, after the termination of the Panama Canal Treaty of 1977, in the area comprising the Canal Zone before the effective date of this Act, and for the maintenance of installations and facilities, after the termination of such Treaty, for the use of United States military forces stationed in such area. The President shall report to the Congress in a timely manner the status of negotiations conducted pursuant to this section.

CODE OF CONDUCT FOR COMMISSION PERSONNEL

Sec. 1112. (a) Before assuming the duties of his office or employment, each member of the Board of the Commission and each officer and employee of the Commission shall take an oath to discharge faithfully the duties of his office or employment. All employees of the Commission shall be subject to the laws of the United States regarding duties and responsibilities of Federal employees.

(b) Not later than 60 days after all the members of the Board of the Commission have been appointed, the Board shall adopt a code of conduct applicable to the persons referred to in subsection (a) of this section. The code of conduct shall contain provisions substantially equivalent to those contained in part 735 of title 5 of the Code of Federal Regulations on the effective date of this Act. The code of conduct shall, at a minimum, contain provisions substantially equivalent to the following provisions of law:

(1) the provisions of chapter 11 of title 18, United States Code, as amended, relating to bribery, graft, or conflicts of interest, as appropriate to the employees concerned;

(2) section 7352 of title 5, United States Code, as amended;

(3) sections 207, 208, 285, 508, 641, 645, 1001, 1917, and 2071 of title 18, United States Code, as amended;

(4) section 5 of the Act of July 16, 1914 (31 U.S.C. 638a), as amended;

(5) the Ethics in Government Act of 1978 (92 Stat. 1824), as amended; and

(6) those provisions of the laws and regulations of the Republic of Panama which are substantially equivalent to those of the United States set forth in this subsection.

(c) The Commission shall investigate any allegations regarding the violation of the code of conduct adopted pursuant to subsection (b) of this section. The Commission may recommend that the President suspend from the performance of his duties any member of the Board of the Commission or any officer or employee of the Commission, pending judicial proceedings by appropriate authorities concerning such allegations.

(d) The President shall negotiate suitable arrangements with the Republic of Panama whereby each nation shall agree to take all measures within its legal authority to assure that members of the Board of the Commission comply with the code of conduct established pursuant to subsection (b) of this section. Without prejudice to such jurisdiction as the United States may have with respect to members of the Board, the provisions of law enumerated in subsection (b) of this section shall be enforced with respect to members of the Board only in accordance with such arrangements.

OFFICE OF OMBUDSMAN

Sec. 1113. (a) There established within the Commission an Office of Ombudsman, to be directed by an Ombudsman, who shall be appointed by the Commission. It shall be the function of the Office of Ombudsman to receive individual complaints, grievances, requests, and suggestions of employees (and their dependents), of the Commission and other departments and agencies of the United States, including the Smithsonian Institution, conducting operations before the effective date of this Act in the area then comprising the Canal Zone concerning administrative problems, inefficiencies, and conflicts caused within departments and agencies of the United States, including the Smithsonian Institution, as a result of the implementation of the Panama Canal Treaty of 1977 and related agreements.

(b) The Ombudsman shall make findings and render assistance with respect to the complaints, grievances, requests, and suggestions submitted to the Office of Ombudsman, and shall make appropriate recommendations to the Commission or any other department or agency of the United States, including the Smithsonian Institution.

(c) The establishment of the Office of Ombudsman shall not affect any procedures for grievances, appeals, or administrative matters in any other provision of this Act, any other provision of law, or any Federal regulation.

(d) The Ombudsman shall be a citizen of the United States.

(e) The Office of Ombudsman shall terminate upon the termination of the Panama Canal Treaty of 1977.

CHAPTER 2—EMPLOYEES

Subchapter I—Panama Canal Commission Personnel

DEFINITIONS

Sec. 1201. As used in this chapter—

(1) "Executive agency" has the meaning given that term in section 105 of title 5, United States Code;

(2) "uniformed services" has the meaning given the term in section 2101(3) of title 5, United States Code;

(3) "competitive service" has the meaning given that term in section 2102 of title 5, United States Code; and

(4) "United States" when used in a geographic sense, means each of the several States and the District of Columbia.

APPOINTMENT AND COMPENSATION; DUTIES

Sec. 1202. (a) In accordance with this chapter, the Panama Canal Commission may appoint without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, fix the compensation of, and define the authority and duties of, officers, agents, attorneys, and employees (other than the Administrator, Deputy Administrator, and Chief Engineer) necessary for the management, operation, and maintenance of the Panama Canal and its complementary works, installations, and equipment.

(b) Individuals serving in any Executive agency (other than the Commission) or the Smithsonian Institution, including individuals serving in the uniformed services, may, if appointed under this section or section 1103 or 1104 of this Act, serve as officers or employees of the Commission.

Sec. 1203. (a) The head of any agency may enter into agreements for the transfer or detail to the Commission of any employee of that agency serving under a permanent appointment. Any employee who so transfers or is so detailed shall, upon completion of the employee's tour of duty with the Commission, be entitled to reemployment with the agency from which the employee was transferred or detailed without loss of pay, seniority, or other rights or benefits to which the employee would have been entitled had the employee not been so transferred or been so detailed.

(b) For purposes of this section, the term "agency" means an Executive agency, the United States Postal Service, and the Smithsonian Institution.

(c) The Office of Personel Management shall prescribe regulations to carry out the purposes of this section.

COMPENSATION OF INDIVIDUALS IN THE UNIFORMED SERVICES

Sec. 1204. (a) Except as provided in subsection (b) of this section, any individual who is serving in a position in the Commission and who is a member of a uniformed service shall continue to be paid basic pay by such uniformed service and shall not be paid by the Commission for the period of the service in the uniformed service involved.

(b) If the individual appointed as Administrator, Deputy Administrator, or Chief Engineer of the Commission is a member of a uniformed service, the amount of basic pay otherwise payable to the individual for service in that position shall be reduced, up to the amount of that basic pay, by the amount of the basic pay payable to the individual as a member of a uniformed service.

(c) The Commission shall annually pay to each uniformed service amounts sufficient to reimburse that uniformed service for any basic pay paid by that uniformed service to any member of that service during any period of service in the Commission by the member.

DEDUCTION FROM BASIC PAY OF AMOUNTS DUE FOR SUPPLIES OR SERVICES

Sec. 1205. The Commission may deduct from the basic pay otherwise payable by the Commission to any officer or employee of the Commission any amount due from the officer or employee to the Commission or to any contractor of the Commission for transportation, board, supplies, or any other service. Any amount so deducted may be paid by the Commission to any contractor to whom it is due or may be credited by the Commission to any appropriation from which the Commission has expended such amount.

COST OF LIVING ALLOWANCE

Sec. 1206. Effective beginning October 1, 1984, each officer and employee of the Commission who is a citizen of the United States and was employed by the Panama Canal Company or the Canal Zone Government on September 30, 1979, or who is an individual of any nationality recruited outside the Republic of Panama after September 30, 1979, may be paid on allowance to offset any increased cost of living which may result from the termination of the eligibility of the officer or employee and his dependents to use military postal services, sales stores, and exchanges. The amount of the allowance may be determined by the Commission.

EDUCATIONAL TRAVEL BENEFITS

Sec. 1207. (a) The Commission shall provide by regulation for round-trip transportation between the Republic of Panama and the United States or, in the case of an employee described in paragraph (2) of this subsection, between the Republic of Panama and the country in which such employee is recruited, for undergraduate college education for dependents of employees of the Commission who—

(1) are United States citizens who were employed by the Panama Canal Company or the Canal Zone Government on September 30, 1979, or

(2) are recruited outside the Republic of Panama after that date.

(b) The regulations prescribed by the Commission under this section shall—

(1) provide eligibility requirements which must be met by such dependents to qualify for transportation under this section, including a requirement that all eligible dependents must be under 23 years of age; and

(2) limit the transportation provided to two round trips[5] during any one- year period.

PRIVILEGES AND IMMUNITIES OF CERTAIN EMPLOYEES

Sec. 1208. The Secretary of Defense shall designate those officers and employees of the Commission and other individuals entitled to the privileges and immunities accorded under paragraph 3 or Article VIII of the Panama Canal Treaty of 1977. The Department of State shall furnish to the Republic of Panama a list of the names of such officers, employees, and other individuals and shall notify the Republic of Panama of any subsequent additions to or deletions from the list.

INAPPLICABILITY OF CERTAIN BENEFITS TO CERTAIN NONCITIZENS

Sec. 1209. (a) Chapter 81 of title 5, United States Code, relating to compensation for work injuries, chapter 83 of such title 5, relating to civil service retirement, chapter 87 of such title 5, relating to life insurance, and chapter 89 of such title 5, relating to health insurance, are inapplicable to any individual—

(1) who is not a citizen of the United States;

(2) whose initial appointment by the Commission occurs after October 1, 1979; and

(3) who is covered by the Social Security System of the Republic of Panama pursuant to any provision of the Panama Canal Treaty of 1977 and related agreements.

(b) Subparagraph (B) of section 8701(a) of title 5, United States Code, defining the term employee for purposes of life insurance, is amended to read as follows:

"(B) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone; or".

(c) Clause (ii) of section 8901(1) of title 5, United States Code, defining the term employee for purposes of health insurance is amended to read as follows:

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[5] Public Law 99-233 (sec. 5a) replaced "one round trip" with "two round trips".

"(ii) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone;".

Subchapter II—Wage and Employment Practices

TRAVEL AND TRANSPORTATION EXPENSES

Sec. 1210. [6] The Commission may pay the expenses of vacation leave travel for an employee of the Commission to whom section 1206 of this Act applies and for transportation of employee's family from the employee's post of duty in Panama to the place of the employee's actual residence at the time of appointment to the post of duty. The authorization of expenses under this section shall be in accordance with subchapter II of chapter 57 of title 5, United States Code, and the regulations issued under that subchapter, except that the Commission may prescribe required periods of service notwithstanding section 5722 of title 5, United States Code, and the regulations issued under subchapter II of chapter 57 of such title.

DEFINITIONS

Sec. 1211. As used in this subchapter—

(a) "agency" means—

(A) an Executive agency or the Smithsonian Institution, to the extent of any election in effect under section 1212(b)(2) of this Act;

(2) "position" means a civilian position in the Commission, or in any other agency if a substantial portion of the duties and responsibilities are performed in the Republic of Panama; and

(3) "employee" means an individual serving in a position.

PANAMA CANAL EMPLOYMENT SYSTEM; MERIT AND OTHER EMPLOYMENT REQUIREMENTS

Sec. 1212. (a) After considering any recommendations of the Commission, the President shall establish a Panama Canal Employment System. The Panama Canal Employment System shall—

(1) be established in accordance with and be subject to the provisions of the Panama Canal Treaty of 1977 and related agreements, the provisions of this chapter, and any other applicable provision of law;

(2) be based on the consideration of the merit of each employee or candidate for employment and the qualifications and fitness of the employee to hold the position concerned;

(3) conform, to the extent practicable and consistent with the provisions of this Act, to the policies, principles, and standards applicable to the competitive service; and

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[6] Sec. 1210 was added by sec. 5b of Public Law 99-223, 99 Stat. 1739.

(4) in the case of employees who are citizens of the United States, provide for the appropriate interchange of those employees between positions under the Panama Canal Employment System and positions in the competitive service.

(b)(1) The Commission, and any Executive agency and the Smithsonian Institution to the extent of any election under paragraph (2) of this subsection, shall conduct their employment and pay practices relating to employees in accordance with the Panama Canal Employment System and regulations prescribed by, or under the authority of, the President in accordance with this subchapter.

(2) The head of any Executive agency and the Smithsonian Institution may elect to have the Panama Canal Employment System made applicable in whole or in part to personnel of that agency in the Republic of Panama.

(c) Subject to the provisions of this chapter, the President may, from time to time and after considering any recommendation of the Commission, amend or modify any provision of the Panama Canal Employment System, including any provision relating to selection for appointment, reappointment, reinstatement, reemployment, and retention, with respect to positions, employees, and candidates for employment.

(d) The President may, to the extent the President determines appropriate—

(1) exclude any employee or position from coverage under any provision of this subchapter; and

(2) notwithstanding section 1202 of this Act, extend to any employee, whether or not the employee is a citizen of the United States, the rights and privileges which are provided by applicable laws and regulations for citizens of the United States employed in the competitive service.

EMPLOYMENT STANDARDS

Sec. 1213. The head of each agency shall establish written standards for—

(1) determining the qualifications and fitness of employees and of candidates for employment in positions; and

(2) selecting individuals for appointment, promotion, or transfer to positions.

The standards shall conform to the provisions of this subchapter, and regulations prescribed thereunder, and the Panama Canal Employment System.

INTERIM APPLICATION OF CANAL ZONE MERIT SYSTEM

Sec. 1214. Notwithstanding any repeal made by this Act or any provision of this chapter, the provisions of subchapter III of chapter 7 of title 2 of the Canal Zone Code establishing the Canal Zone Merit System, together with the regulations prescribed thereunder, as in effect on September 30, 1979, shall continue in effect and shall apply with respect to employees under the Panama Canal Employment System is established and in effect pursuant to section 1212 of this Act.

BASIC PAY

Sec. 1215. (a) The head of each agency, in accordance with the provisions of this subchapter, shall establish, and from time to time may revise, the rates of basic pay for positions and employees in the agency.

(b) The rates of basic pay may be established and revised in relation to the rates of basic pay for the same or similar work performed in the United States or in such areas outside the United States as may be designated in the regulations prescribed under section 1223 of this Act.

(c) The head of each agency may make adjustments in rates of basic pay established under subsection (b) of this section in amounts not to exceed the amounts of the adjustments made from time to time by or under statute in the corresponding rates of basic pay for the same or similar work referred to in such subsection (b). The head of the agency may designate the effective date of any such adjustment, except that the date may not be earlier than the effective date of the adjustment in the corresponding rate of basic pay.

UNIFORM APPLICATION OF STANDARDS AND RATES

Sec. 1216. The standards established pursuant to section 1213 of this Act and the rates of basic pay established pursuant to section 1215 of the Act shall be applied without regard to whether the employee or individual concerned is a citizen of the United States or a citizen of the Republic of Panama.

RECRUITMENT AND RETENTION REMUNERATION

Sec. 1217. (a) In addition to basic pay, additional compensation may be paid, in such amounts as the head of the agency concerned determines, as an overseas recruitment or retention differential to any individual who—

(1) before October 1, 1979, was employed by the Panama Canal Company, by the Canal Zone Government, or by any other agency in the area then known as the Canal Zone;

(2) is an employee who was recruited on or after October 1, 1979, outside of the Republic of Panama for placement in the Republic of Panama; or

(3) is a medical doctor employed by the Department of Defense in the Republic of Panama or by the Commission;

if, in the judgment of the head of the agency concerned, the recruitment or retention of the individual is essential.

(b) Any employee described in more than one paragraph of subsection (a) of this section may qualify for a recruitment or retention differential under only one of those paragraphs.

(c) Additional compensation provided under this section may not exceed 25 percent of the rate of basic pay for the same or similar work performed in the United States by individuals employed by the Government of the United States.

(d) Subchapter III of chapter 59 of title 5, United States Code, relating to overseas differentials and allowances, shall not apply with respect to any employee whose permanent duty station is in the Republic of Panama and who is employed by an agency.

BENEFITS BASED ON BASIC PAY

Sec. 1218. For the purposes of determining—

(1) amounts of compensation for disability or death under chapter 81 of title 5, United States Code, relating to compensation for work injuries;

(2) benefits under subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement;

(3) amounts of insurance under chapter 87 of title 5, United States Code, relating to life insurance;

(4) amounts of overtime pay or other premium pay;

(5) annual leave benefits; and

(6) any other benefits related to basic pay;

the basic pay of each employee shall include the rate of basic pay established for his position under section 1215 of this Act plus the amount of any additional compensation provided under section 1217 of this Act.

SALARY PROTECTION UPON CONVERSION OF PAY RATE

Sec. 1219. (a) In the case of any employee whose rate of basic pay is determined in relation to rates of basic pay for the same of similar work in the United States and which is converted to a rate of basic pay pursuant to section 1215(b) of this Act which is determined in relation to rates in areas other than the United States pursuant to such section 1215(b), the employee shall continue to receive a rate of basic pay not less than that to which the employee was entitled immediately before the conversion.

(b) This section shall cease to apply with respect to any employee if the employee is placed in a position—

(1) for which the rate of basic pay is determined in relation to rates of basic pay in the United States pursuant to section 1215(b) of this Act; or

(2) which is of a lower grade.

REVIEW AND ADJUSTMENT OF CLASSIFICATIONS, GRADES, AND PAY LEVEL

Sec. 1220. An employee may request at any time that the employee's agency—

(1) review the classification of the employee's position or the grade or pay level for the employee's position, or both; and

(2) revise or adjust that classification, grade or pay level, or both, as the case may be.

The request for review and revision or adjustment shall be submitted and adjudicated in accordance with the regularly established appeals procedures of the agency.

PANAMA CANAL BOARD OF APPEALS; DUTIES

Sec. 1221. (a) Subject to the provisions of this chapter, the President shall prescribe regulations establishing a Panama Canal Board of Appeals. The regulations shall provide for the number of members of the Board and their appointment, compensation, and terms of office, the selection of a Chairman of the Board, the appointment and compensation of the Board's employees, and other appropriate matters relating to the Board.

(b) The Board shall review and determine the appeals of employees in accordance with section 1222 of this Act. The decisions of the Board shall conform to the provisions of this subchapter.

APPEALS TO BOARD; PROCEDURES; FINALITY OF DECISIONS

Sec. 1222. (a) An employee may appeal to the Panama Canal Board of Appeals from an adverse determination made by an agency under section 1220 of this Act. The appeal shall be made in writing within a reasonable time (as specified in regulations prescribed by, or under the authority of, the President) after the date of the transmittal by the agency to the employee of written notice of the adverse determination.

(b) The Board may authorize, in connection with an appeal pursuant to subsection (a) of this section, a personal appearance before the Board by the employee, or by a representative of the employee designated for that purpose.

(c) After investigation and consideration of the evidence submitted, the Board shall—

(1) prepare a written decision on the appeal;

(2) transmit its decision to the agency concerned; and

(3) transmit copies of the decision to the employee concerned or to the designated representative.

(d) The decision of the Board on any question or other matter relating to an appeal is final and conclusive. The agency concerned shall take action in accordance with the decision of the Board.

ADMINISTRATION BY THE PRESIDENT

Sec. 1223. (a) The President shall prescribe regulations necessary and appropriate to carry out the provisions of this subchapter and coordinate the policies and activities of agencies under this subchapter.

(b) The President may establish an office within the Commission as the successor to the Canal Zone Central Examining Office. The purpose of the office shall be to assist the President in—

(1) carrying out the President's coordination responsibility under section (a) of this section; and

(2) implementing the provisions of the Panama Canal Treaty of 1977 and related agreements with respect to recruitment, examination, determination of qualification standards and similar matters.

(c) The President may delegate any authority vested in the President by this subchapter and may provide for the redelegation of that authority.

APPLICABILITY OF CERTAIN LAWS

Sec. 1224. This chapter does not affect the applicability of—

(1) the provisions of title 5, United States Code, which relate to preference eligibles;

(2) the provisions of title 5, United States Code, which relate to removal or suspension from the competitive service; and

(3) the provisions of section 554(a) of title 5, United States Code, which relate to wage-board overtime and Sunday rates, with respect to classes of employees who were covered by those provisions on the date of the enactment of this Act.

MINIMUM LEVEL OF PAY; MINIMUM ANNUAL INCREASES

Sec. 1225. (a) Subsection (f) of section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), relating to applicability to employees in foreign countries and certain United States possessions, is amended by striking out "Johnston Island, and the Canal Zone." and inserting in lieu thereof "and Johnston Island.".

(b)(1) Effective October 1, 1979, each individual employed by an Executive agency or the Smithsonian Institution, whose permanent duty station is located within an area or installation in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, shall be paid basic pay at a rate of not less than $2.90 an hour.

(2) Effective on October 1 of each succeeding calendar year, the rate of basic pay for each individual referred to in paragraph (1) of this subsection whose basic pay is not fixed in relation to rates of basic pay for the same or similar work performed in the United States shall be increased by an amount equal to not less than 2 percent of the rate of basic pay for that individual in effect immediately before that date.

Subchapter III—Conditions of Employment and Placement

TRANSFERRED OR REEMPLOYED EMPLOYEES

Sec. 1231. (a)(1) With respect to any individual employed in the Panama Canal Company or the Canal Zone Government—

(A) who is transferred—

(i) to a position in the Commission; or

(ii) to a position in an Executive agency or in the Smithsonian Institution the permanent duty station of which is in the Republic of Panama (including the area known before October 1, 1979, as the Canal Zone); or

(B) who is separated by reason of a reduction in force on September 30, 1979, and is appointed to a position in the Commission before April 1, 1980;

the terms and conditions of employment set forth in paragraph (2) of this subsection shall be generally no less favorable, on or after the date of the transfer referred to in subparagraph (A) of this paragraph or the date of the appointment referred to in subparagraph (B) of this paragraph as the case may be, than the terms and conditions of employment with the Panama Canal Company and Canal Zone Government on September 30, 1979, or, in the case of a transfer described in subparagraph (A)(ii) of this paragraph which takes place before that date, on the date of the transfer.

(2) The terms and conditions of employment referred to in paragraph (10 of this subsection are the following:

(A) rates of basic pay;

(B) tropical differential;

(C) premium pay and night differential;

(D) reinstatement and restoration rights;

(E) injury and death compensation benefits;

(F) leave and travel;

(G) transportation and repatriation benefits;

(H) group health and life insurance;

(I) reduction-in-force rights;

(J) an employee grievance system, and the right to appeal adverse and disciplinary actions and positions classification actions;

(K) veterans' preference eligibility;

(L) holidays;

(M) severance pay benefits.

(3)(A) The provisions of this subsection shall take effect on the date of the enactment of this Act.[7]

(B) No spending authority (as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974) provided for under this subsection shall take effect before October 1, 1979.

(C) Effective October 1, 1979, any individual who, but for subparagraph (B) of this paragraph, would have been entitled to one or more payments pursuant to this subsection for periods before October 1, 1979, shall be entitled, to the extent or in such amounts as are provided in advance in appropriation Acts, to a lump sum payment equal to the total amount of all such payments.

(b) Any individual described in subsection (a)(1)(B) of this section who would have met the service requirement for early retirement benefits under section 8336(i) or 8339(d)(2) of title 5, United States Code (as amended by sections 1241(a) and 1242 of this Act, respectively), but for a break in service of more than 3 days immediately after September 30, 1979, shall be considered to meet that requirement. Any break in service by any such individual for purposes of section 8332 of such title 5 during the period beginning September 30, 1979, and ending on the date of the appointment referred to in such subsection (a)(1)(B) shall be considered a period of creditable service under such section 8332 for such individual, except that such period shall not be taken into account for purposes of determining average pay (as defined in section 8331(4) of such title 5) and no deduction, contribution, or deposit shall be required for that period under section 8334 of such title 5.

(c)(1) Section 5(c) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 903(c)) shall not apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the Department of Defense Overseas Dependent School System and the permanent duty station of which is in the Republic of Panama, until the rates of basic compensation established under section 5(c) of such Act equal or exceed the rates of basic compensation then in effect for teachers who were so transferred.

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[7] Sept. 27, 1979.

(2) Section 6(a)(2) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 904(a)(2)) shall not apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the Department of Defense Overseas Dependent School System and the permanent duty station of which is in the Republic of Panama.

(3)(A) The head of a department or agency of the United States may grant a sabbatical to any teacher to whom paragraph (1) of this subsection applies for not to exceed 11 months in order to permit the teacher to engage in study or uncompensated work experience which is in the United States and which will contribute to the teacher's development and effectiveness. Basic compensation shall be paid to teachers on sabbatical under this section in the same manner and to the same extent as basic compensation would have been paid to teachers on sabbatical while employed in the Canal Zone Government school system on the day before the effective date of this Act. A sabbatical shall not result in a loss of, or reduction in, leave to which the teacher is otherwise entitled, credit for time or service, or performance or efficiency rating. The head of the department or agency may authorize in accordance with chapter 57 of title 5, United States Code, such travel expenses (including per diem allowance) as the head of the department or agency may determine to be essential for the study or experience.

(B) A sabbatical under this paragraph may not be granted to any teacher—

(i) more than once in any 10-year period;

(ii) unless the teacher has completed 7 years of service as a teacher; and

(iii) if the teacher is eligible for voluntary retirement with a right to an immediate annuity.

(C)(i) Any teacher in a department or agency of the United States may be granted a sabbatical under this paragraph only if the teacher agrees, as a condition of accepting the sabbatical, to serve in the civil service upon the completion of the sabbatical for a period of two consecutive years.

(ii) Each agreement required under clause (i) of this subparagraph shall provide that in the event the teacher fails to carry out the agreement (except for good and sufficient reason as determined by the head of the department or agency that granted the sabbatical), the teacher shall be liable to the United States for payment of all expenses (including salary) of the sabbatical. The amount shall be treated as a debt due the United States.

(d) Sections 5595(a)(2)(iii), 5724a(a) (3) and (4), and 8102(b) of title 5, United States Code, are each amended by striking out "Canal Zone" each place it appears and inserting in lieu thereof "areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)".

PLACEMENT

Sec. 1232. (a) Any citizen of the United States—

(1) who, on March 31, 1979, was an employee of the Panama Canal Company or the Canal Zone Government;

(2) who separates or is scheduled to separate on or after such date for any reason other than misconduct or delinquency; and

(3) who is not placed in another appropriate position in the Government of the United States in the Republic of Panama;

shall, upon the employee's request, be accorded appropriate assistance for placement in vacant positions in the Government of the United States in the United States.

(b) Any citizen of the United States—

(1) who, on March 31, 1979, was employed in the Canal Zone as an employee of an Executive agency (other than the Panama Canal Company or the Canal Zone Government) or the Smithsonian Institution;

(2) whose position is eliminated as the result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; and

(3) who is not appointed to another appropriate position in the Government of the United States in the Republic of Panama;

shall, upon the employee's request, be accorded appropriate assistance for placement in vacant positions in the Government of the United States in the United States.

(c) The Office of Personnel Management shall establish and administer a Government- wide placement program for all eligible employees who request appointment to positions under this section.

(d) The provisions of this section shall take effect on the date of the enactment of this Act.[8]

Subchapter IV—Retirement

EARLY RETIREMENT ELIGIBILITY

Sec. 1241. (a) Section 8336 of title 5, United States Code, is amended—

(1) in subsection (c), by inserting "(1)" after "(c)" and by adding at the end thereof the following new paragraph:

"(2) An employee is entitled to an annuity if the employee—

"(A) was a law enforcement officer or firefighter employed by the Panama Canal Company or the Canal Zone Government at any time during the period beginning March 31, 1979, and ending September 30, 1979; and

"(B) is separated from the service before January 1, 2000, after becoming 48 years of age and completing 18 years of service as a law enforcement officer or firefighter, or any combination of such service totaling at least 18 years"; and

(2) by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i)(1) An employee of the Panama Canal Commission or of an Executive agency conducting operations in the Canal Zone or Republic of Panama who is separated from the service before January 1, 2000, who was employed by the Canal Zone Government or the Panama Canal Company at any time during the period beginning March 31, 1979, and ending September 30, 1979, and who has had continuous Panama Canal service, without a break in service of more than 3 days, from that time until separation, is entitled to an annuity if the employee is separated—

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[8] Sept. 27, 1979.

"(A) involuntarily, after completing 20 years of service or after becoming 48 years of age and completing 18 years of service, if the separation is a result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; or

"(B) voluntarily, after completing 23 years of service or after becoming 48 years of age and completing 18 years of service.

"(2) An employee of the Panama Canal Commission or of an Executive agency conducting operations in the Canal Zone or Republic of Panama who is separated from the service before January 1, 2000, who was employed, at a permanent duty station in the Canal Zone, by any Executive agency other than the Canal Zone Government or the Panama Canal Company at any time during the period beginning March 31, 1979, and ending September 30, 1979, and who has had continuous Panama Canal service, without a break in service of more than 3 days, from that time until separation, is entitled to an annuity if—

"(A) the employee is separated involuntarily, after completing 20 years of service or after becoming 48 years of age and completing 18 years of service; and

"(B) the separation is the result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements.

"(3) For the purpose of this subsection—

"(A) 'Panama Canal service' means—

"(i) service as an employee of the Canal Zone Government, the Panama Canal Company, or the Panama Canal Commission; or

"(ii) service at a permanent duty station in the Canal Zone or Republic of Panama as an employee of an Executive agency conducting operations in the Canal Zone or the Republic of Panama; and

"(B) 'Executive agency' includes the United States District Court for the District of the Canal Zone and the Smithsonian Institution.".

(b)(1) The amendments made by this section shall take effect on the date of the enactment of this Act, but no amount of annuity under chapter 83 of title 5, United States Code, accruing by reason of those amendments shall be payable for any period before October 1, 1979.

(2) Effective October 1, 1979, any individual who, but for paragraph (1) of this subsection, would have been entitled to one or more annuity payments pursuant to the amendments made by this section for periods before October 1, 1979, shall be entitled, to such extent or in such amounts as are provided in advance in appropriation Acts, to a lump sum payment equal to the total amount of all such annuity payments.

EARLY RETIREMENT COMPUTATION

Sec. 1242. (a) Section 8339(d) of title 5, United States Code, is amended by inserting "(1)" after "(d)" and by adding at the end thereof the following new paragraphs:

"(2) The annuity of an employee retiring under this subchapter who was employed by the Panama Canal Company or Canal Zone Government on September 30, 1979, is computed with respect to the period of continuous Panama Canal service from that date disregarding any break in service of not more than 3 days, by adding—

"(A) 2½ percent of the employee's average pay multiplied by so much of that service as does not exceed 20 years; plus

"(B) 2 percent of the employee's average pay multiplied by so much of that service as exceeds 20 years.

"(3)(A) In the case of an employee who has service as a law enforcement officer or firefighter to which paragraph (2) of this subsection applies, the annuity of that employee is increased by $8 for each full month of that service which is performed in the Republic of Panama.

"(B) In the case of an employee retiring under this subchapter who—

"(i) was employed as a law enforcement officer or firefighter by the Panama Canal Company or Canal Zone government at any time during the period beginning March 31, 1979, and ending September 30, 1979; and

"(ii) does not meet the age and service requirements of section 8336(c) of this title;

the annuity of that employee is increased by $12 for each full month of that service which occurred before October 1, 1979.

"(C) An annuity increase under this paragraph does not apply with respect to service performed after completion of 20 years of service (or any combination of service) as a law enforcement officer or firefighter.

"(4) For the purpose of this subsection—

"(A) 'Panama Canal service' means—

"(i) service as an employee of the Panama Canal Commission; or

"(ii) service at a permanent duty station in the Canal Zone or Republic of Panama as an employee of an Executive agency conducting operations in the Canal Zone or Republic of Panama; and

"(B) 'Executive agency' includes the Smithsonian Institution.".

(b)(1) The amendments made by this section shall take effect on the date of the enactment of this Act, but no amount of annuity under chapter 83 of title 5, United States Code, accruing by reason of those amendments shall be payable for any period before October 1, 1979.

(2) Effective October 1, 1979, any individual who, but for paragraph (1) of this subsection, would have been entitled to one or more annuity payments pursuant to the amendments made by this section for periods before October 1, 1979, shall be entitled, to such extent or in such amounts as are provided in advance in appropria-

tion Acts, to a lump sum payment equal to the total amount of all such annuity payments.

RETIREMENT UNDER SPECIAL TREATY PROVISIONS

Sec. 1243. (a)(1) Subject to subsection (b) of this section, and under such regulations as the President may prescribe, the Secretary of the Treasury shall pay to the Social Security System of the Republic of Panama, out of funds deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund under section 8334(a)(2) of title 5, United States Code, such sums of money as may be necessary to aid in the purchase of a retirement equity in such System for each individual who—

(A) meets the requirements of paragraph (2) of this subsection;

(B) is separated from employment in the Panama Canal Company, the Canal Zone Government, or the Commission by reason of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; and

(C) becomes employed in a position covered by the Social Security System of the Republic of Panama through the transfer of a function or activity to the Republic of Panama from the United States or through a job placement assistance program.

(2) This subsection applies with respect to any individual only if the individual—

(A) has been credited with at least 5 years of civilian service under section 8332 of title 5, United States Code, relating to creditable service for purposes of civil service retirement;

(B) is not eligible for an immediate retirement annuity under chapter 83 of title 5, United States Code, relating to civil service retirement, and elects not to receive a deferred annuity under that chapter based on any portion of that service; and

(C) elects to withdraw from the Civil Service Retirement and Disability Fund the individual's entire lump-sum credit (as defined in section 8331(8) of title 5, United States Code) and to transfer that amount to the Social Security System of the Republic of Panama pursuant to the special regime referred to in paragraph 3 of Article VIII of the Agreement in implementation of Article III of the Panama Canal Treaty of 1977.

(b) The amount paid to the Social Security System of the Republic of Panama with respect to any individual under subsection (a) of this section shall not exceed the individual's entire lump-sum credit (as so defined).

(c)(1) Pursuant to paragraph 2(b) of Annex C to the Agreement in Implementation of Article IV of the Panama Canal Treaty of 1977, the President, or the President's designee, shall purchase from a source determined by the President to be appropriate, in accordance with such regulations as the President or the President's designee may prescribe and to such extent or in such amounts as may be provided in advance in appropriation Acts, a nontransferable deferred annuity for the benefit of each employee of an agency or instrumentality of the Government of the United States in the Republic of Panama—

(A) who is not a citizen of the United States;

(B) who was employed on October 1, 1979, and during any period before that date by an agency or instrumentality of the Government of the United States at any permanent duty station in the Republic of Panama (including, with respect to employment before that date, the area then known as the Canal Zone);

(C) who, for any period of service with such agency or instrumentality before October 1, 1979, at any such permanent duty station was not covered, by reason of that service, by the United States Civil Service Retirement System or any other Federal retirement system providing benefits similar to those retirement benefits provided by the Social Security System of the Republic of Panama; and

(D) who on October 1, 1979, is under a Federal retirement system and, on or before that date, has accrued in one or more agencies or instrumentalities of the United States a total of 5 years or more of service which—

(i) is creditable toward any Federal retirement system as in effect on October 1, 1979;

(ii) would have been creditable toward any such retirement system if the retirement system were in effect at the time of the service accrued by the employee; or

(iii) consists of any combination of service described in clauses (i) and (ii) of this subparagraph.

(2) The retirement annuity referred to in paragraph (1) of this subsection with respect to any employee will cover retroactivity, from October 1, 1979, all periods of service, described in subparagraph (D) of that paragraph, by that employee at any permanent duty station in the Republic of Panama (including the area known before that date as the Canal Zone) in agencies and instrumentalities of the Government of the United States during which that empolyee was not covered by the United States Civil Service Retirement System or any other Federal retirement system providing benefits similar to those retirement benefits provided by the Social Security System of the Republic of Panama.

OBLIGATION OF COMMISSION FOR UNFUNDED LIABILITY

Sec. 1244. Section 8384 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding any other provision of law, the Panama Canal Commission shall be liable for that portion of any estimated increase in the unfunded liability of the fund which is attributable to any benefits payable from the fund to or on behalf of employees and their survivors to the extent attributable to the amendments made by sections 1241 and 1242, and the provisions of sections 1231(b) and 1243(a)(1) of the Panama Canal Act of 1979.

"(2) The estimated increase in the unfunded liability referred to in paragraph (1) of this subsection shall be determined by the Office of Personnel Management. The Secretary of the Treasury shall pay to the Fund from appropriations for that purpose the amount so determined in annual installments with interest computed at the rate in the most recent valuation of the Civil Service Retirement System.".

CASH RELIEF TO CERTAIN FORMER EMPLOYEES

Sec. 1245. (a) The Commission, under the regulation prescribed by the President pursuant to the Act entitled "An Act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act", approved July 8, 1937, as amended (50 Stat. 478; 68 Stat. 17), may continue the payments of cash relief to those individual former employees of the Canal Zone Government or Panama Canal Company or their predecessor agencies not coming within the scope of the former Canal Zone Retirement Act whose services were terminated prior to October 5, 1958, because of unfitness for further useful service by reason of mental or physical disability resulting from age or disease. Subject to subsection (b) of this section, that cash relief may not exceed $1.50 per month for each year of service of the employees so furnished relief, with a maximum of $45 per month, plus the amount of any cost- of-living increases in such cash relief granted before October 1, 1979, pursuant to section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), nor be paid to any employee who, at the time of termination for disability prior to October 5, 1958, had less than 10 years' service with the Canal Zone Government, the Panama Canal Company, or their predecessor agencies on the Isthmus of Panama.

(b) An additional amount of $20 per month shall be paid to each person who receives payment of cash relief under subsection (a) of this section and shall be allowed without regard to the limitations contained therein.

(c) Each cash relief payment made pursuant to this section shall be increased on the same effective date and by the same percent, adjusted to the nearest dollar, as civil service retirement annuities are increased under the cost-of- living adjustment provisions of section 8340(b) of title 5, United States Code. Such increase shall apply only to cash relief payments made after October 1, 1979, as increased by annuity increases made after that date under such section 8340(b).

(d) The Commission may pay cash relief to the widow of any former employee of the Canal Zone Government or the Panama Canal Company who, until the time of his death, receives or has received cash relief under subsection (a) of this section, under section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), or under the Act of July 8, 1937, referred to in such subsection (a). The term "widow" as used in this subsection includes only the following:

(1) a woman legally married to such employee at the time of his termination for disability and at his death;

(2) a woman who, although not legally married to such former employee at the time of his termination, had resided continuously with him for at least five years immediately preceding the employee's termination under such circumstances as would at common law make the relationship a valid marriage and who continued to reside with him until his death; and

(3) a woman who has not remarried or assumed a common-law relationship with any other person.

Cash relief granted to such a widow shall not at any time exceed 50 percent of the rate at which cash relief, inclusive of any additional payment under subsection (b) of this section, would be payable to the former employee were he then alive.

(c) Subchapter III of chapter 83 of title 5, United States Code, applies with respect to those individuals who were in the service of the Canal Zone Government or the Panama Canal Company on October 5, 1958, and who, except for the operation of section 13(a)(1) of the Act entitled "An Act to implement item 1 of a Memorandum of Understanding attached to the treaty of January 25, 1955, entered into by the Government of the United States of America and the Government of the Republic of Panama with respect to wage and employment practices of the Government of the United States of America in the Canal Zone", approved July 25, 1958 (72 Stat. 405), would have been within the classes of individuals subject to the Act of July 8, 1937, referred to in subsection (a) of this section.

APPLIANCES FOR EMPLOYEES INJURED BEFORE SEPTEMBER 7, 1916

Sec. 1246. Artificial limbs or other appliances may be purchased by the Commission, out of any funds available[10] to the Commission, for persons who were injured in the service of the Isthmian Canal Commission or of the Panama Canal before September 7, 1916.

Subchapter V—Leave

LEAVE FOR JURY OR WITNESS SERVICE

Sec. 1251. Section 6322(a) of title 5, United States Code, is amended—

(1) by striking out "the Canal Zone, or"; and

(2) by striking out "Islands." and inserting in lieu thereof "Islands, or the Republic of Panama.".

Subchapter VI—Application to Related Personnel

LAW ENFORCEMENT; CANAL ZONE CIVILIAN PERSONNEL POLICY COORDINATION BOARD; RELATED EMPLOYEES

Sec. 1261. (a) For the purposes of sections 1206, 1231, 1232, 1241, and 1242 of this Act, including any amendment made by those sections, the United States Attorney for the District of the Canal Zone and the Assistant United States Attorneys and their clerical assistants, and the United States Marshal for the District of the Canal Zone and his deputies and clerical assistants shall be considered employees of the Commission.

(b) For the purposes of this Act, including any amendment made by this Act, the Executive Director of the Canal Zone Civilian Personnel Policy Coordinating Board, the Manager, Central Examining Office, and their staffs shall be considered to have been employees of the Panama Canal Company with respect to service in those positions before October 1, 1979, and as employees of the Commission with respect to service in those positions on or after that date.

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[10] The word "available" was substituted in lieu of "appropriated" by sec. 5428 of Public Law 100–203 (101 Stat. 1330–274).

(c) The provisions of this section shall take effect on the date of the enactment of this Act.

Subchapter VII—Labor-Management Relations

LABOR-MANAGEMENT RELATIONS

Sec. 1271. (a) Nothing in this Act shall be construed to affect the applicability of chapter 71 of title 5, United States Code, relating to labor-management and employee relations, with respect to the Commission or the operations of any other Executive agency conducted in that area of the Republic of Panama which, on September 30, 1979, was the Canal Zone, except that in applying those provisions—

(1) the definition of "employee" shall be applied without regard to clause (i) of section 7103(a)(2) of such title 5 which relates to nationality and citizenship; and

(2) a unit shall be considered to be appropriate notwithstanding the fact that it includes any supervisor if that supervisor's position (or type of position) was, before October 1, 1979, represented before the Panama Canal Company by a labor organization that included employees who were not supervisors.

(b) Labor-management and employee relations of the Commission, other Executive agencies, and the Smithsonian Institution, their employees, and organizations of those employees, in connection with operations conducted in that area of the Republic of Panama which, on September 30, 1979, was the Canal Zone, shall be governed and regulated solely by the applicable laws, rules, and regulations of the United States.

CHAPTER 3—FUNDS AND ACCOUNTS

Subchapter I—Funds

CANAL ZONE GOVERNMENT FUNDS

Sec. 1301. On the effective date of this Act, any unexpended balances of the appropriation accounts appearing on the books of the United States Government as "Operating Expenses, Canal Zone Government (38–0116–0–1–806)" and "Capital Outlay, Canal Zone Government (38–0116–0–1–806)" shall be covered into the general fund of the Treasury, and any appropriations to which expenditures under such accounts have been chargeable before such effective date are repealed. The Commission may, to the extent of funds available to it, pay claims or make payments chargeable to such accounts, upon proper audit of such claims of payments.[11]

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[11] This sentence was added by Public Law 100–203 (101 Stat. 1330–274).

PANAMA CANAL REVOLVING FUND

Sec. 1302.[12] (a)(1) There is established in the Treasury of the United States a revolving fund to be known as the 'Panama Canal Revolving Fund'. The Panama Canal Revolving Fund shall, subject to subsection (c), be available to the Commission to carry out the purposes, functions, and powers authorized by this Act, including for——

(A) the hire of passenger motor vehicles and aircraft;

(B) uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code;

(C) official receptions and representation expenses of the Board, the Secretary of the Commission, and the Administrator;

(D) the operation of guide services;

(E) a residence for the Administrator;

(F) disbursements by the Administrator for employee and community projects; and

(G) the procurement of expert and consultant services as provided in section 3109 of title 5, United States Code.

(2) On the effective date of the Panama Canal Revolving Fund Act——

(A) the Panama Canal Commission Fund shall be terminated and the unappropriated balance, including undeposited receipts as of the close of business on the day before the effective date of the Panama Canal Revolving Fund Act, shall be transferred to the Panama Canal Revolving Fund;

(B) the unexpended balance of appropriations to the Commission, as of the close of business on the day before the effective date of the Panama Canal Revolving Fund Act, shall be transferred to the Panama Canal Revolving Fund, and such amounts including amounts appropriated for capital expenditures, shall remain available until expended;

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[12] Sec. 1302 was retitled and subsecs. (a) through (e) were added by sec. 5422 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203, 101 Stat. 1330–271) in lieu of the following:

"PANAMA CANAL COMPANY FUNDS; COMMISSION FUNDS

"Sec. 1302. (a) On the effective date of this Act, the account appearing on the books of the United States Government as the 'Panama Canal Company Fund (38–4060–0–3–403)' shall be terminated, and any unexpended balances under such account as of that date shall be covered into the Treasury in an account to be known as the 'Panama Canal Commission Fund'.

"(b) On or after the effective date of this Act, tolls for the use of the Panama Canal and all other receipts of the Commission that, before such effective date, would have been credited to the account appeanng on the books of the Government as the 'Panama Canal Company Fund (38–4060–0–3–403)' shall be deposited in the Treasury in the Panama Canal Commission Fund; except that the part of the tolls and other receipts that covers interest on the investment of the United States in the Panama Canal pursuant to section 1602 and 1603 of this Act shall be deposited into the Treasury as miscellaneous receipts.

"(c)(1) No funds may be appropriated to or for the use of the Commission, nor may any funds to be obligated or expended by the Commission for any fiscal year, unless such appropriation, obligation, expenditure has been specifically authorized by law.

"(2) No funds may be appropriated to or for the use of the Commission for any fiscal year in excess of (A) the amount to revenues deposited in the Panama Canal Commission Fund during such fiscal year, as such amount is estimated by the Secretary of Defense and certified by the Comptroller General of the United States at the time the budget request for the Commission for such fiscal year is submitted to the Congress, plus (B) the amount of revenues deposited in such Fund prior to such fiscal year and remaining unexpended at the beginning of such fiscal year. Not later than thirty days after the end of such fiscal year, the Secretary of the Treasury shall report to the Congress the actual amount of revenue deposited in the Panama Canal Commission Fund during such fiscal year.

"(d) The Commission may, to such extent or in such amounts as are provided in advance in appropriation Acts, enter into contracts in order to carry out its functions."

(C) the assets and liabilities recorded before such effective date under the 'Panama Canal Commission Fund' shall be recorded under the Panama Canal Revolving Fund; and

(D) the Panama Canal Emergency Fund shall be terminated and the remaining balance shall be transferred to the Panama Canal Revolving Fund.

(b) Upon completion of the transfers of funds under subsection (a)——

(1) amounts attributable to interest on the investment of the United States in the Panama Canal which accrued before January 1, 1986, shall be transferred from the Panama Canal Revolving Fund to the general fund of the Treasury; and

(2) such amounts as were appropriated to the Commission in the fiscal year which ended September 30, 1980, and for which the Commission has not reimbursed the general fund of the Treasury, shall be transferred to the general fund of the Treasury.

(c)(1) There shall be deposited in the Panama Canal Revolving Fund, on a continuing basis, toll receipts and all other receipts of the Commission. Except as provided in section 1303 and subject to paragraph (2), no funds may be obligated or expended by the Commission in any fiscal year unless such obligation or expenditure has been specifically authorized by law.

(2) No funds may be obligated or expended by the Commission in any fiscal year for administrative expenses except to the extent or in such amounts as are provided in appropriations Acts.

(3) No funds may be authorized for the use of the Commission, or obligated or expended by the Commission in any fiscal year in excess of——

(A) the amount of revenues deposited in the Panama Canal Revolving Fund during such fiscal year, plus

(B) the amount of revenues deposited in the Panama Canal Revolving Fund before such fiscal year and remaining unexpended at the beginning of such fiscal year.

Not later than 30 days after the end of each fiscal year, the Secretary of the Treasury shall report to the Congress the amount of revenues deposited in the Panama Canal Revolving Fund during such fiscal year.

(d) With the approval of the Secretary of the Treasury, the Commission may deposit amounts in the Panama Canal Revolving Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such other manner as the Commission and the Secretary may agree.

(e) The Committee on Appropriations of each House of Congress shall review the annual budget of the Commission, including operations and capital expenditures.

(f)(1) It is the sense of the Congress that the additional costs resulting from implementation of the Panama Canal Treaty of 1977 and related agreements should be kept to the absolute minimum level. To this end, the Congress declares that the direct appropriated costs of implementation to be borne by the taxpayers over the life of such Treaty should be kept to a level no greater than the

March 1979 estimate of those costs ($870,700,000) presented to the Congress by the executive branch during consideration of this Act by the Congress, less personnel retirement costs of $205,000,000, which were subtracted and charged to tolls, therefore resulting in the net taxpayer cost of approximately $665,700,000, plus appropriate adjustment for inflation.

(2) It is further the sense of the Congress that the actual costs of implementation be consistent with the obligations of the United States to operate the Panama Canal safely and efficiently and keep it secure.

EMERGENCY AUTHORITY

Sec. 1303.[13] If authorizing legislation described in section 1302(c)(1) has not been enacted for a fiscal year, then the Commission may withdraw funds from the Panama Canal Revolving Fund in order to defray emergency expenses and to ensure the continuous, efficient, and safe operation of the Panama Canal, including expenses for capital projects. The authority of this section may not be used for administrative expenses. The authority of this section may be exercised only until authorizing legislation described in section 1302(c)(1) is enacted, or for a period of 24 months after the end of the fiscal year for which such authorizing legislation was last enacted, whichever occurs first. Within 60 days after the end of any calendar quarter in which expenditures are made under this section, the Commission shall report such expenditures to the appropriate committees of the Congress.

BORROWING AUTHORITY [14]

Sec. 1304. (a) The Panama Canal Commission may borrow from Treasury, for any of the purposes of the commission, not more than $100,000,000 outstanding at any time. For this purpose, the Commission may issue to the Secretary of the Treasury its notes or other obligations——

(1) which shall have maturities (of not later than December 31, 1999) agreed upon by the Commission and the Secretary of the Treasury, and

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[13] Sec. 1303 was retitled and substantially amended by sec. 5423 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203, 101 Stat. 1330–273). Sec. 1303 previously read as follows:

"EMERGENCY FUND

"(a) On the effective date of this Act, the Secretary of the Treasury shall establish and thereafter shall maintain in the treasury a fund to be known as the 'Panama Canal Emergency Fund.' There are authorized to be appropriated for deposit in such Fund (1) for the fiscal year beginning on October 1, 1979, $40,000,000, and (2) for any fiscal year beginning on or after October 1, 1980, such additional sums as may be specifically authorized by law for such fiscal year.

"(b) The Commission may make withdrawals from the Panama Canal Emergency Fund by check in order to defray emergency expenses and to insure the continuous, efficient, and safe operation of the Panama Canal, if funds appropriated for the operation and maintenance of the Canal are insufficient for such purposes. Any withdrawal from such Fund to cover increased costs attributable to unprogrammed increases in traffic may not be made in amounts greater than the revenues from such increased traffic. Such Fund shall not be available for payments to Panama under Article XIII of the Panama Canal Treaty of 1977. Any withdrawal from such fund or expenditure made under this subsection shall be reported forthwith by the Commission to the Congress and to the Office of Management and Budget."

[14] Sec. 1304 was added by sec. 5424 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203, 101 Stat. 1330–273).

(2) which may be redeemable at the option of the Commission before maturity.

(b) Amounts borrowed under this section shall not be available for payments to Panama under Article XIII of the Panama Canal Treaty of 1977.

(c) Amounts borrowed under this section shall increase the investment of the United States in the Panama Canal, and repayment of such amount shall decrease such investment.

(d) The Commission shall report to the Congress and to the Office of Management and Budget on each exercise of borrowing authority under this section.

Subchapter II—Accounting Policies and Audits

ACCOUNTING POLICIES

Sec. 1311. (a) The Commission shall establish and maintain its accounts pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.) and the provisions of this chapter. Such accounts shall specify all revenues received by the Commission, including tolls for the use of the Panama Canal, expenditures for capital replacement, expansion, and improvement, and all costs of maintenance and operation of the Panama Canal and of its complementary works, installations, and equipment, including depreciation, payments to the Republic of Panama under the Panama Canal Treaty of 1977, and interest on the investment of the United States calculated in accordance with section 1603 of this Act.

(b) The Commission may issue regulations establishing the basis of accounting for the assets which are made available for the use of the Commission. Such regulations may provide for depreciation of the net replacement value of the assets which will ultimately require replacement to maintain the service capacity of the Panama Canal. Such regulations may also provide the depreciation of such assets be recorded ratably over their service lives.

REPORTS

Sec. 1312. The Commission shall, not later than January 31 of each year, submit to the President and the Congress a financial statement and a complete report with respect to the maintenance and operation of the Panama Canal during the preceding fiscal year.

AUDIT BY THE COMPTROLLER GENERAL OF THE UNITED STATES

Sec. 1313. (a) Financial transactions of the Commission shall be audited by the Comptroller General of the United States (hereinafter in this Act referred to as the "Comptroller General") pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.). In conducting any audit pursuant to such Act, the appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission and necessary to facilitate such audit, and such representative shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. An audit pursuant to such Act shall first be conducted with respect to the fiscal year in which this Act becomes effective.

(b) The Comptroller General shall, not later than six months after the end of each fiscal year, submit to the Congress a report of the audit conducted pursuant to subsection (a) of this section with respect to such fiscal year. Such report shall set forth the scope of the audit and shall include—

(1) a statement of assets and liabilities, capital, and surplus or deficit, based on the accounts of the Commission established pursuant to this chapter.

(2) a statement of income and expenses,

(3) a statement of sources and application of funds,

(4) a statement listing all direct and indirect costs incurred by the United States in implementing the Panama Canal Treaty of 1977, including the cost of property transferred to the Republic of Panama during each fiscal year, and

(5) such comments and information as the Comptroller General considers necessary to keep the Congress informed of the operations and financial transactions of the Commission, together with such recommendations with respect to such operations and transactions as the Comptroller General considers advisable.

The report shall identify specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit which, in the opinion of the Comptroller General, has been carried out or made and has not been authorized by law. The Comptroller General shall submit a copy of each such report to the President, the Secretary of the Treasury, and the Commission.

(c) In conducting the audit and preparing the reports provided for in this section and in carrying out his other responsibilities pursuant to law, the Comptroller General shall, with respect to fiscal year 1980, take into account the problems inherent in converting the existing accounting system of the Panama Canal Company to conform to the requirements established in section 1311 of this Act. Accordingly, the Comptroller General shall take no adverse action with respect to the Commission, nor shall any violation of section 3679 of the Revised Statutes (31 U.S.C. 665) be considered to have taken place, so long as the Commission is in substantial compliance with the requirements of this Act. The Comptroller General shall make such recommendations to the Commission and to the Congress as he may consider appropriate to insure that full compliance with the financial controls provided for in the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.) is achieved promptly.

Subchapter III—Interagency Accounts

INTERAGENCY SERVICES; REIMBURSEMENTS

Sec. 1321. (a) The Commission shall reimburse the Employees' Compensation Fund, Bureau of Employee's Compensation, Department of Labor, for the benefit payments to the Commission's employees, and shall also reimburse other Government departments and agencies for payments of a similar nature made on its behalf.

(b) The Department of Defense shall reimburse the Commission for amounts expended by the Commission in maintaining defense facilities in standby condition for the Department of Defense.

(c) Notwithstanding any other provision of law, funds appropriated (for any fiscal year beginning after September 30, 1979) to or for the use of the Department of Defense, or to any other department or agency of the United States as may be designated by the President to carry out the purposes of this subsection, shall be available for—

(1) conducting the educational and health care activities, including kindergartens and college, carried out by the Canal Zone Government and the Panama Canal Company before the effective date of this Act, and

(2) providing the services related thereto to the categories of persons to which such services were provided before such effective date.

Notwithstanding any other provision of law, the Department of Defense, or any department or agency designated by the President to provide health care services to those categories of persons referred to in this subsection, shall provide such services to such categories of persons on a basis no less favorable than that applied to its own employees and their dependents.

(d) Amounts expended for furnishing services referred to in subsection (c) of this section to persons eligible to receive them, less amounts payable by such persons, shall be fully reimbursable to the department or agency furnishing the services, except to the extent that such expenditures are the responsibility of that department or agency. The appropriations or funds of the Commission shall be available for such reimbursements on behalf of—

(1) employees of the Commission, and

(2) other persons authorized to receive such services who are eligible to receive them pursuant to the Panama Canal Treaty of 1977 and related agreements.

The appropriations or funds of any other department or agency of the United States conducting operations in the Republic of Panama, including the Smithsonian Institution, shall be available for reimbursements on behalf of employees of such department or agency and their dependents.

(e) [15] The appropriations or funds of the Commission, or of any other department or agency of the United States conducting operations in the Republic of Panama, shall be available to defray the cost of—

(1) health care services to elderly or disabled persons who were eligible to receive such services before the effective date of this Act, less amounts payable by such persons, and

(2) educational services provided by schools in the Republic of Panama, which are not operated by the United States, to employees of the Commission who are citizens of the United States and persons who were receiving such services at the expense of the Canal Zone Government before the effective date of this Act.

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[15] Subsec. (c) was comprehensively amended and restated by sec. 5(c) of Public Law 99-223 (99 Stat. 1739).

(f) For purposes of the reimbursement of the United States by the Republic of Panama for the salaries and other employment costs of employees of the Commission who are assigned to assist the Republic of Panama in the operation of activities which are transferred to that Government as a result of any provision of the Panama Canal Treaty of 1977 and related agreements which reimbursement is provided for in paragraph 8 of Article 10 of that Treaty, the Commission shall be deemed to be the United States of America.

(g) Notwithstanding any other provision of law, the President, through the appropriate department or agency of the United States, shall, until January 1, 2000, operate the educational institution known as the "Canal Zone College". Such institution shall continue to provide, insofar as practicable, the level of services which it offered immediately before the effective date of this Act.

(h) [16] Except as expressly provided in this Act, funds available to the Panama Canal Commission may not be made available to any other agency as that term is defined in section 551 of title 5, United States Code, nor may funds be authorized or appropriated for any function other than Panama Canal Commission activities.

Subchapter IV—Postal Matters

POSTAL SERVICE

Sec. 1331. The postal service established and governed by chapter 73 of title 2 of the Canal Zone Code shall be discontinued on October 1, 1979.

(b) The provisions of chapter 73 of such title 2 relating to postal-savings deposits, postal-savings certificates, postal money orders, and the accounting for funds shall continue to apply for the purpose of meeting the obligations of the United States concerning outstanding postal savings and money orders and disposition of funds.

(c) The Commission shall take possession of and administer the funds of the postal service referred to in subsection (a) and this section and shall assume its obligation. The Commission and the United States Postal Service may enter into agreements for the transfer of funds of property and the assumption of administrative rights or responsibilities with respect to the outstanding obligations of the postal service referred to in subsection (a) of this section. Any transfer or assumption (including any agreement for such transfer or assumption) pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in advance in appropriate Acts.

(d) Mail addressed to the Canal Zone from or through the continental United States may be routed by the United States Postal Service to the military post offices of the United States Forces in the Republic of Panama. Such military offices shall provide the required directory services and shall accept such mail to the extent permitted under the Panama Canal Treaty of 1977 and related agreements. The Commission shall furnish personnel, records, and other services to such military to assure wherever appropriate the distribution, rerouting, or return of such mail.

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[16] Sec. 8 of Public Law 100-705 added subsec. (h).

(e)(1) The second sentence of section 403(a) of title 39, United States Code, is amended by striking out "Except as provided in the Canal Zone Code, the" and inserting in lieu thereof "The".

(2) Section 340(b) of such title is amended—

(A) by inserting "or" before "the Virgin Islands"; and

(B) by striking out "or the Canal Zone,".

(3)(A) Section 3402 of such title repealed.

(B) the table of sections for chapter 34 of title 39, United States Code, is amended by repealing the item relating to section 3402.

(4) Section 3682(b)(5) of such title is amended by striking out "the Canal Zone and".

Subchapter V—Accounts With the Republic of Panama

PAYMENTS TO THE REPUBLIC OF PANAMA

Sec. 1341. (a) The Commission shall pay to the Republic of Panama those payments required under paragraph 5 of Article III and paragraph 4 of Article XIII of the Panama Canal Treaty of 1977. Payments made under paragraph 5 of Article III of such Treaty shall be audited annually by the Comptroller General and any overpayment, as determined in accordance with Understanding (1) incorporated in the Resolution of Ratification of the Panama Canal Treaty (adopted by the United States Senate on April 18, 1978), for the service described in that paragraph which are provided shall be refunded by the Republic of Panama or set off against amounts payable by the United States to the Republic of Panama under paragraph 5 of Article III of the Panama Canal Treaty of 1977.

(b) In determining whether operating revenues exceed expenditures for the purpose of payments to the Republic of Panama under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977, such operating revenues in a fiscal period shall be reduced by (1) all costs of such period as shown by the accounts established pursuant to section 1311 of this Act, and (2) the cumulative sum from prior years (beginning with the year in which the Panama Canal Treaty of 1977 enters into force) of any excess of costs of the Panama Canal Commission over operating revenues.

(c) The President shall not accede to any interpretation of paragraph 1 of Article IX of the Panama Canal Treaty of 1977 which would permit the Republic of Panama to tax retroactively organizations and businesses operating, and citizens of the United States living, in the Canal Zone before the effective date of this Act.

(d) Any accumulated unpaid balance under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977 at the termination of such Treaty shall be payable only to the extent of any operating surplus in the last year of the Treaty's duration, and nothing in such paragraph may be construed as obligating the United States to pay after the date of the termination of the Treaty any such unpaid balance which has accrued before such date.

(e) As provided in section 1602(b) of this Act, tolls shall not be prescribed at rates calculated to cover payments to the Republic of

Panama pursuant to paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977. Moreover, no payments may be made to the Republic of Panama under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977 unless unexpended funds are used to pay all costs of operation and maintenance of the canal, including but not limited to (1) operating expenses determined in accordance with generally accepted accounting principles, (2) payments to the Republic of Panama under paragraphs 4(a) and 4(b) of such Article XIII and under paragraph (5) of Article III of such Treaty, (3) amounts in excess of depreciation and amortization which are programmed for plant replacement, expansion, and improvements, (4) payments to the Treasury of the United States under section 1603 of this Act, (5) reimbursement to the Treasury of the United States for costs incurred by other departments and agencies of the United States in providing educational, health, and other services to the Commission, its employees and their dependents, and other categories of persons in accordance with section 1321 of this Act, (6) any costs of Treaty implementation associated with the maintenance and operation of the Panama Canal, and (7) amounts programmed to meet working capital requirements.[17]

(f) The prohibitions contained in this section and in sections 1302(c) and 1503 of this Act shall apply notwithstanding any other provisions of law authorizing transfers of funds between accounts, reprogramming of funds, use of funds for contingency purposes, or waivers of prohibitions.

(g) [18] Notwithstanding any other provision of law, no reduction under any order issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 shall apply to the Commission if the implementation of such an order would result in a payment to the Republic of Panama under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977 and this section.

TRANSACTIONS WITH THE REPUBLIC OF PANAMA

Sec. 1342. The Commission may, on a reimbursable basis, provide to the Republic of Panama materials, supplies, equipment, work, or services, including water and electric power, requested by the Republic of Panama, at such rates as may be agreed upon by the Commission and the Republic of Panama. Payment for such materials, supplies, equipment, work, or services may be made by direct payment by the Republic of Panama to the Commission or by offset against amounts due the Republic of Panama by the United States.

DISASTER RELIEF

Sec. 1343. If an emergency arises because of disaster or calamity by flood, hurricane, earthquake, fire, pestilence, or like cause, not foreseen or otherwise provided for, and occurring in the Republic of Panama in such circumstances as to constitute an actual or potential hazard to health, safety, security, or property in the areas and installations made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, the Commission may expend funds available to the Commission for such purpose, and utilize or furnish materials, supplies, equipment and services for relief, assistance, and protection.

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[17] Sec. 5426 of Public Law 100-203 (101 Stat. 1330-274) added point (7).

[18] Sec. 6 of Public Law 99-368 (100 Stat. 776) added subsec. (g).

CONGRESSIONAL RESTRAINTS ON PROPERTY TRANSFER AND TAX EXPENDITURES

Sec. 1344. (a) The Congress enacts this section in the exercise of its authority under Article IV, section 3, clause 2 of the Constitution of the United States to dispose of and make necessary rules and regulations with respect to property of the United States.

(b) Prior to the transfer of property of the United States located in the Republic of Panama to the Republic of Panama pursuant to section 1504 of this Act, the President shall formally advise the Government of Panama that—

(1) in fulfilling its obligations under the Panama Canal Treaty of 1977, the United States shall make no payments to the Republic of Panama derived from tax revenues of the United States;

(2) the United States retains full discretion and authority to determine whether and the extent to which tax revenues of the United States may be expended in exercising United States rights and carrying out United States responsibilities under the Panama Canal Treaty of 1977 and related agreements;

(3) no tax revenues of the United States shall be made available for obligations and expenditures after the effective date of this Act for purposes of implementing the Panama Canal Treaty of 1977 and related agreements, unless hereafter specifically approved by the Congress through the authorization and appropriation process;

(4) the total amount expended by the Commission from funds available to or for the use of the Commission shall not exceed the total amount deposited in the Panama Canal Revolving Fund;[19] and

(5) the foregoing paragraphs of this subsection do not apply to expenditures made by the United States in fulfilling United States obligations to transfer the remains of our honored dead from Mount Hope Cemetery in the former Canal Zone to an appropriate and dignified place in accordance with Reservation 3 to the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

CHAPTER 4—CLAIMS FOR INJURIES TO PERSONS OR PROPERTY

Subchapter I—General Provisions

SETTLEMENT OF CLAIMS GENERALLY

Sec. 1401. (a) Subject to the provisions of this chapter, the Commission may adjust and pay claims for injury to, or loss of, property or for personal injury or death, arising from the operation of the Panama Canal or related facilities and appurtenances.

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[19] The words "available" and "Revolving Fund" were added in lieu of "appropriated" and "Commission Fund" by sec. 5428 of Public Law 100-203 (101 Stat. 1330-274).

(b) [20] The Commission may pay not more than $50,000 on any claim described in subsection (a).

(c) An award made to a claimant under this section shall be payable out of any moneys appropriated for or made available to the Commission. The acceptance by the claimant of the award shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of his claim against the United States and against any employee of the United States acting in the course of his employment who is involved in the matter giving rise to the claim.

(d) Except as provided in section 1416 of this Act, no action for damages on claims cognizable under this chapter shall be against the United States or the Commission, and no such action shall lie against any officer or employee of the United States. Neither this section nor section 1416 of this Act shall preclude actions against officers or employees of the United States for injuries resulting from their acts outside the scope of their employment or not in the line of their duties, or from their acts committed with the intent to injure the person or property of another.

(e) The provisions of section 1346(b) of title 28, United States Code, and the provisions of chapter 171 of such title shall not apply to claims cognizable under this chapter.

Subchapter II—Vessel Damage

INJURIES IN LOCKS OF CANAL

Sec. 1411. (a) Subject to subsection (b) of this section, the Commission shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels, which may arise by reason of their passage through the locks of the Panama Canal [21] when the injury was proximately caused by negligence or fault on the part of an officer or employee of the United States acting within the scope of his employment and in the line of his duties in connection with the operation of the Canal. If the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, the award of damages shall be diminished in proportion to the negligence to fault attributable to the vessel, master, crew, or passengers. Damages may not be allowed and paid for injuries to any protrusion beyond any portion of the hull of a vessel, whether it is permanent or temporary in character. A vessel is considered to be passing through the locks of the Canal, under the control of officers or employees of the United States, from the time the first towing line is made fast on board before entrance into the locks and until the towing lines are cast off upon, or immediately prior to, departure from the lock chamber. No payment for damages on a claim may be made under this section unless the claim is filed with the commission within 2 years after the date of the injury, or within 1 year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later.[22]

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[20] Subsec. (b) was amended and restated by sec. 5417(a) of title V of the Omnibus Reconciliation Act of 1987 (Public Law 100–203, 101 Stat. 1330–271).

[21] The language from this point to the end of the sentence was added by sec. 2(a) of Public Law 99–209 (99 Stat. 1716). Sec. 2(a) also deleted a sentence previously appearing at this point which read: "Damages may not be paid where the injury was proximately caused by the negligence or fault of the vessel, master, crew, or passengers."

(b) [23] (1) With respect to a claim under subsection (a) for damages for injuries to a vessel or its cargo, if, at the time the injuries were incurred, the navigation or movement of the vessel was not under the control of a Panama Canal pilot, the Commission may pay not more than $50,000 on the claim,[24] unless the injuries were caused by another vessel under the control of a Panama Canal pilot.

(2) The provisions of subsections (c) through (e) of section 1401 of this Act shall apply to any claim described in paragraph (1).

INJURIES OUTSIDE LOCKS

Sec. 1412. The Commission shall promptly adjust and pay damages for injuries to vessels, or to the cargo, crew, or passengers of vessels which may arise by reason of their presence in the Panama Canal, or waters adjacent thereto, other than the locks, when the injury was proximately caused by negligence or fault on the part of an officer or employee of the United States acting within the scope of his employment and in the line of his duties in connection with the operation of the Canal. No payment for damages on a claim may be made under this section unless the claim is filed with the Commission within 2 years after the date of the injury, or within 1 year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later.[25] If the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, the award of damages shall be diminished in proportion to the negligence or fault attributable to the vessel, master, crew, or passengers. In the case of a vessel which is required by or pursuant to regulations prescribed pursuant to section 1801 of this Act to have a Panama Canal pilot on duty aboard, damages may not be adjusted and paid for injuries to the vessel, or its cargo, crew, or passengers, incurred while the vessel was underway and in motion, unless at the time the injuries were incurred the navigation or movement of the vessel was under the control of a Panama Canal pilot.

MEASURE OF DAMAGES GENERALLY

Sec. 1413. In determining the amount of the award of damages for injuries to a vessel for which the Commission is determined to be liable there may be included—

(1) the actual or estimated cost of repairs;

(2) charter hire actually lost by the owners, or charter hire actually paid, depending upon the terms of the charter party, for the time the vessel is undergoing repairs;

(3) maintenance of the vessel and wages of the crew, if they are found to be actual additional expenses or losses incurred outside of the charter hire; and

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[22] This sentence was added by sec. 2(a) of Public Law 99–209 (99 Stat. 1716.)

[23] Subsec. (b) was added by sec. 2(b) of Public Law 99–209 (99 Stat. 1716).

[24] The words "pay not more than $50,000 on the claim" were substituted in lieu of "adjust and pay the claim only if the amount of the claim does not exceed $50,000" by sec. 5417(b) of Public Law 100–203 (101 Stat. 1330–271).

[25] This sentence was added by sec. 2(c) of Public Law 99–209 (99 Stat. 1716).

(4) other expenses which are definitely and accurately shown to have been incurred necessarily and by reason of the accident or injuries.

Agent's fees, or commissions, or other incidental expenses of similar character, or any items which are indefinite, indeterminable, speculative, or conjectural may not be allowed. The Commission shall be furnished such vouchers, receipts, or other evidence as may be necessary in support of any item of a claim. If a vessel is not operated under charter but by the owner directly, evidence shall be secured if available as to the sum for which vessels of the same size and class can be chartered in the market. If the charter value cannot be determined, the value of the vessel to its owners in the business in which it was engaged at the time of the injuries shall be used as a basis for estimating the damages for the vessel's detention; and the books of the owners showing the vessel's earnings about the time of the accident or injuries shall be considered as evidence of probable earnings during the time of detention. If the books are unavailable, such other evidence shall be furnished as may be necessary.

DELAYS FOR WHICH NO RESPONSIBILITY IS ASSUMED

Sec. 1414. The Commission is not responsible, and may not consider any claim, for demurrage or delays caused by—

(1) landslides or other natural causes;

(2) necessary construction or maintenance work of Canal locks, terminals, or equipment;

(3) obstruction arising from accidents;

(4) time necessary for admeasurement;

(5) congestion of traffic;

(6) [26] investigation of a marine accident that is conducted within 24 hours after the accident occurs, except that any liability of the Commission beyond that 24-hour period shall be limited to the extent to which the accident was caused, or contributed to, by the negligence of an employee of the Commission acting within the scope of the employee's official duties; or

(7) except as specially set forth in this subchapter, any other cause.

SETTLEMENT OF CLAIMS

Sec. 1415.[27] The Commission, by mutual agreement, compromise, or otherwise, may adjust and determine the amounts of the respective awards of damages pursuant to this subchapter. Such amounts may be paid only out of money appropriated or allotted for the maintenance and operation of the Panama Canal. Acceptance by a claimant of the amount awarded to him shall be deemed to be in full settlement of such claim against the Government of the United States.

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[26] Subsec. 6 was comprehensively amended and restated by sec. 3 of Public Law 99–209 (99 Stat. 1717).

[27] Sec. 4 of Public Law 99–190 (99 Stat. 1717), struck out subsec. (b) of sec. 1415 and dropped the para. designation for subsec. (a). Subsec. (b) previously read as follows:

"(b) The Commission shall not adjust and pay any claim for damages for injuries arising by reason of the presence of the vessel in the Panama Canal or adjacent waters outside the locks where the amount of the claim exceeds $120,000 but shall submit the claim to the Congress in a special report containing the material facts and the recommendation of the Commission thereon."

ACTIONS ON CLAIMS

Sec. 1416. A claimant for damages pursuant to section 1411(a) or 1412 of this Act who considers himself aggrieved by the findings, determination, or award of the Commission in reference to his claim may bring an action on the claim against the Commission in the United States District Court for the Eastern District of Louisiana. Subject to the provisions of this chapter and of applicable regulations issued pursuant to section 1801 of this Act relative to navigation of the Panama Canal and adjacent waters, such actions shall proceed and be heard by the court without a jury according to the principles of law and rules of practice obtaining generally in like cases between a private party and a department or agency of the United States. Any judgment obtained against the Commission in an action under this subchapter may be paid out of money appropriated or allotted for the maintenance and operation of the Panama Canal. An action for damages cognizable under this section shall not otherwise lie against the United States or the Commission, nor in any other court, than as provided in this section; nor may it lie against any officer or employee of the United States or of the Commission. Any action on a claim under this section shall be barred unless the action is brought within one year after the date on which the Commission mails to the claimant written notification of the Commission's final determination with respect to the claim, or within one year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later. Attorneys appointed by the Commission shall represent the Commission in any action arising under this subchapter.[28]

INVESTIGATION OF ACCIDENT OR INJURY GIVING RISE TO CLAIM

Sec. 1417. Notwithstanding any other provision of law, a claim may not be considered under this subchapter, or an action for damages lie thereon, unless, prior to the departure from the Panama Canal of the vessel involved—

(1) an investigation by the competent authorities of the accident or injury, giving rise to the claim has been completed; and

(2) the basis for the claim has been laid before the Commission.

BOARD OF LOCAL INSPECTORS

Sec. 1418. (a) The President shall provide for the establishment of a Board of Local Inspectors of the Panama Canal Commission which shall perform, in accordance with regulations prescribed by the President—

(1) the investigations required by section 1417 of this Act; and

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[28] The final two sentences of sec. 1416 were added by sec. 5(3) of Public Law 99-190 (99 Stat. 1717).

(2) such other duties with respect to marine matters as may be assigned by the President.

(b) In conducting any investigation pursuant to subsection (a) of this section, the Board of Local Inspectors established pursuant to such subsection may summon witnesses, administer oaths, and require the production of books and papers necessary for such investigation.

INSURANCE

Sec. 1419.[29] The Commission is authorized to purchase insurance to protect the Commission against major and unpredictable revenue losses or expenses arising from catastrophic marine accidents or other unpredictable events.[30]

CHAPTER 5—PUBLIC PROPERTY

ASSETS AND LIABILITIES OF PANAMA CANAL COMPANY

Sec. 1501. All property and other assets of the Panama Canal Company shall revert to the United States on the effective date of this Act, and, except as otherwise provided by law, the United States shall assume the liabilities, including contractual obligations, of the Panama Canal Company then outstanding. The Commission may use such property, facilities and records of the Panama Canal Company as are necessary to carry out its functions.

TRANSFERS AND CROSS-SERVICING BETWEEN AGENCIES

Sec. 1502. (a) In the interest of economy and maximum efficiency in the utilization of property and facilities of the United States, there are authorized to be transferred between departments and agencies of the United States, with or without reimbursement, such facilities, buildings, structures, improvement, stock, and equipment located in the Republic of Panama, and used for their activities therein, as may be mutually agreed upon by the departments and agencies involved and approved by the President of the United States or his designee.

(b) The Commission may enter into cross-serving agreements with any other department or agency of the United States for the use of facilities, furnishing of services, or performance of functions.

(c) The Commission, any department or agency of the United States, or any United States court in the Republic of Panama is authorized to transfer to the Government of the Republic of Panama any record of such Commission, department, agency, or court, or copy thereof, including any record acquired from the Canal Zone Government or Panama Canal Company (including any vital statistics record), to any other department, agency, or court of the United States if such action is determined by the Commission, the head of the department or agency concerned, or the judge of the court concerned to be in the interest of the United States. Transfer of any record or copy thereof under this section to the Government of the Republic of Panama shall be made under the coordination of and with the approval of the United States Ambassador to the Republic of Panama.

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[29] 22 U.S.C. 3779.

[30] The words "or other unpredictable events" were added by sec. 5414 of title V of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203, 101 Stat. 1330–270).

(d) The provisions of this section shall apply to the Smithsonian Institution.

DISPOSITION OF PROPERTY OF THE UNITED STATES

Sec. 1503. No property of the United States located in the Republic of Panama may be disposed of except pursuant to law enacted by the Congress.

TRANSFER OF PROPERTY TO PANAMA

Sec. 1504. (a)(1) On the date on which the Panama Canal Treaty of 1977 enters into force, the Secretary of State may convey to the Republic of Panama the Panama Railroad and such property located in the area which, immediately before such date, comprised the Canal Zone and which is not within the land and water areas the use of which is made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements.

(2) Property transferred pursuant to paragraph (1) of this subsection may not include buildings and other facilities, except housing, located outside such areas, the use of which is retained by the United States pursuant to the Panama Canal Treaty of 1977 and related agreements.

(b) With respect to the transfer of all other property (not described in subsection (a)(1) of this section) to be transferred in accordance with the terms of the Panama Canal Treaty of 1977 and related agreements, the Secretary of State may convey such property from time to time in accordance with the terms of such Treaty and related agreements. Before [31] the transfer of any such property, the President must submit a written report to the Congress—

(1) precisely identifying and describing the particular property to be transferred;

(2) certifying the state of compliance by the Republic of Panama with such Treaty and related agreements; and

(3) setting forth the reasons for the conveyance being made at the particular time.

(c) The Panama Canal, and such other property referred to in paragraph 2(d) of Article XIII of the Panama Canal Treaty of 1977 that has not been previously transferred in accordance with paragraphs 2(a), 2(b), and 2(c) of such Article, shall not be transferred to the Republic of Panama prior to December 31, 1999.

CHAPTER 6—TOLLS FOR USE OF THE PANAMA CANAL

PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS

Sec. 1601. (a) The President is authorized, subject to the provisions of this chapter, to prescribe and from time to time change—

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[31] Sec. 7 of Public Law 99–233 struck the language "at least 180 days" at the beginning of this sentence.

(1) the rules for the measurement of vessels for the Panama Canal; and

(2) the tolls that shall be levied for the use of the Canal.

(b) Such rules of measurement and tolls prevailing on the effective date of this Act shall continue in effect until changed as provided in this chapter.

BASES OF TOLLS

Sec. 1602. (a) Tolls on merchant vessels, army and navy transports, colliers, tankers, hospital ships, supply ships, and yachts shall be based on net vessel tons of one hundred cubic feet each of actual earning capacity determined in accordance with the rules for the measurement of vessels for the Panama Canal, and tolls on other floating craft shall be based on displacement tonnage. The tolls on vessels in ballast without passengers or cargo may be less than the tolls for vessels with passengers or cargo.

(b) Tolls shall be prescribed at rates calculated to produce revenues to cover as nearly as practicable all costs of maintaining and operating the Panama Canal, together with the facilities and appurtenances related thereto, including unrecovered costs incurred on or after the effective date of this Act, interest, depreciation, working capital,[32] payments to the Republic of Panama pursuant to paragraph 5 of Article III and paragraph 4 (a) and (b) of Article XIII of the Panama Canal Treaty of 1977, and capital for plant replacement, expansion, and improvements. Tolls shall not be prescribed at rates calculated to produce revenues sufficient to cover payments to the Republic of Panama pursuant to paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977.

(c) Vessels operated by the United States, including vessels of war and auxiliary vessels, and ocean-going training ships owned by the United States and operated by State nautical schools, shall pay tolls.

(d) The levy of tolls is subject to the provisions of section 1 of Article III of the treaty between the United States of America and Great Britain signed November 18, 1901, of Article I of the treaty between the United States of America and the Republic of Colombia signed April 6, 1914, and of Articles II, III, and VI of the Treaty Concerning Permanent Neutrality and Operation of the Panama Canal, between the United States of America and the Republic of Panama, signed September 7, 1977.

CALCULATION OF INTEREST

Sec. 1603. For purposes of sections 1311 and 1602 of this Act, interest shall be computed, at the rate determined by the Secretary of the Treasury, on the investment of the United States in the Panama Canal as shown in the accounts of the Panama Canal Company at the close of business on the day preceding the effective date of this Act, and as adjusted in accordance with subsections (b) and (c) of this section. Capital investment for interest purposes shall not include any interest during construction.

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[32] The words "working capital" were added by sec. 5427 of Public Law 100–203 (101 Stat. 1330–274).

(b) The investment of the United States described in subsection (a) of this section—

(1) shall be increased by—

(A) the amount of expenditures from the Panama Canal Revolving Fund [33], and

(B) the value of property transferred to the Commission by any other department or agency of the United States, as determined in accordance with subsection (c) of this section; and

(2) shall be decreased by—

(A) [34] the amount of the funds deposited in the Panama Canal Revolving Fund,

(B) the value of property transferred to the Republic of Panama pursuant to this or any other Act on or after the date on which the Panama Canal Treaty of 1977 enters into force, and

(C) the value of property transferred by the Commission to any other department or agency of the United States.

(c) The value of property transferred to the Commission by any other department or agency of the United States shall be determined by the Director of the Office of Management and Budget. In computing such value, such Director shall give due consideration to the cost and probable earning power of the transferred property, or the usable value to the Commission if clearly less than cost, and shall make adequate provisions for depreciation, obsolescence, and other determinable decreases in value. Insofar as practicable, the value of such transferred property shall exclude any portion of such value properly allocable to national defense.

(d) [35] The Panama Canal Commission shall pay to the Treasury of the United States interest on the investment of the United States, as determined under this section. Such interest shall be deposited in the general fund of the Treasury.

PROCEDURES

Sec. 1604. (a) The Commission shall publish in the Federal Register notice of any proposed change in the rules of measurement or rates of tolls referred to in section 1601(a) of this Act. The Commission shall give interested parties an opportunity to participate in the proceedings through submission of written data, views, or arguments, and participation in a public hearing to be held not less than 30 days after the date of publication of the notice. The notice shall include the substance of the proposed change and a statement of the time, place, and nature of the proceedings. At the time of publication of such notice, the Commission shall make available to the public an analysis showing the basis and justification for the proposed change, which, in the case of a change in rates of tolls, shall indicate the conformity of the existing and proposed rates of tolls with the requirements of section 1602 of this Act, and the Commission's adherence to the requirement for full consideration of the following factors set forth in Understanding (1) incorporated in the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (adopted by the United States Senate on March 16, 1978):

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[33] The words "Panama Canal Revolving Fund" were substituted in lieu of "appropriations to the Commission made on or after the effective date of this Act" by sec. 5425 of title V of Public Law 100–203 (101 Stat. 1330–274).

[34] The words "deposited in the Panama Canal Revolving Fund" were substituted in lieu of "covered into the Panama Canal Commission Fund pursuant to section 1302 of this Act" by sec. 5425 of Public Law 100–203 (101 Stat. 1330–274). Previously, sec. 2 of Public Law 99–195 (99 Stat. 1349) had substituted the words "Panama Canal Commission Fund" in lieu of "Treasury".

[35] Subsec. (d) was added by sec. 5425 of Public Law 100–203 (101 Stat. 1330–274).

(1) the costs of operating and maintaining the Panama Canal;

(2) the competitive position of the use of the Canal in relation to other means of transportation;

(3) the interests of the United States and the Republic of Panama in maintaining their domestic fleets;

(4) the impact of such a change in rates of tolls on the various geographical areas of each of the two countries; and

(5) the interests of both countries in maximizing their international commerce.

(b) After consideration of the relevant matter presented, the Commission may revise the proposed rules of measurement or rates of tolls, as the case may be, except that, in the case of rates of tolls, if such revision proposes rates greater than those originally proposed, a new analysis of the proposed rates shall be made available to the public, and a new notice of the revised proposal shall be published in the Federal Register apprising interested persons of the opportunity to participate further in the proceedings through submission of written data, views, or arguments, and participation in a public hearing to be held not less than 30 days after the date of publication of the new notice. The procedure set forth in this subsection shall be followed for any subsequent revision of the proposed rates of tolls by the Commission which proposes rates higher than those in the preceding proposal.

(c) After the proceedings have been conducted pursuant to subsections (a) and (b) of this section, the Commission shall publish in the Federal Register a notice of the changes in the rules of measurement or rates of tolls, as the case may be, to be recommended to the President.

(d) Upon publication of the notice pursuant to subsection (c) of this section, the Commission shall forward a complete record of the proceedings, with the recommendation of the Commission, to the President for his consideration. The President may approve, disapprove, or modify any or all of the changes in the rules of measurement or rates of tolls recommended by the Commission.

(e) Rules of measurement or rates of tolls prescribed by the President pursuant to this chapter shall take effect on a date prescribed by the President which is not less than 30 days after the President publishes such rules or rates in the Federal Register.

(f) Action to change the rules of measurement for the Panama Canal or the rates of tolls for the use of the Canal pursuant to this chapter shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code.

INTERIM TOLL ADJUSTMENT

Sec. 1605. (a) After the effective date of this section, the Panama Canal Company or the Commission may, without regard to the procedures set forth in section 1604 of this Act for making changes in tolls by the Commission and the President, change the rates of tolls calculated to cover the cost of maintaining and operating the Panama Canal during the fiscal year beginning on October 1, 1979. Such rates shall be calculated in accordance with the provisions of section 1602(b) of this Act. Any such change in rates of tolls shall be subject to the approval of the President whose action in the matter shall be final. Any change in rates of tolls approved by the President shall become effective on a date prescribed by the President.

This section shall take effect on the date of the enactment of this Act.[36]

CHAPTER 7—GENERAL REGULATIONS

AUTHORITY OF PRESIDENT

Sec. 1701. The President may prescribe, and from time to time amend, regulations applicable within the areas and installations made available to the United States for the operation and protection of the Panama Canal pursuant to the Panama Canal Treaty of 1977 and related agreements concerning—

(1) the use of aircraft;
(2) the possession and use of alcoholic beverages;
(3) exclusion and removal of persons; and
(4) health and sanitation.

AUTHORITY OF COMMISSION

Sec. 1702. The Commission may prescribe, and from time to time amend, regulations applicable within the areas and installations made available to the United States for the operation and protection of the Panama Canal pursuant to the Panama Canal Treaty of 1977 and related agreements concerning—

(1) the keeping and impounding of domestic animals;
(2) fire prevention;
(3) the sale or use of fireworks;
(4) the use of roads and highways;
(5) photographing of areas, objects, installations, or structures;
(6) swimming in the Panama Canal and adjacent waters; and
(7) the protection of wildlife, hunting, and fishing.

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[36] September 27, 1979.

CHAPTER 8—SHIPPING AND NAVIGATION

Subchapter I—Operation of Canal

OPERATING REGULATIONS

Sec. 1801. The President may prescribe, and from time to time amend, regulations governing—

(1) the operation of the Panama Canal;

(2) the navigation of the harbors and other waters of the Panama Canal and areas adjacent thereto, including the ports of Balboa and Cristobal;

(3) the passage and control of vessels through the Panama Canal or any part thereof, including the locks and approaches thereto;

(4) pilotage in the Panama Canal or the approaches thereto through the adjacent waters; and

(5) the licensing of officers or other operators of vessels navigating the waters of the Panama Canal and areas adjacent thereto, including the ports of Balboa and Cristobal.

Subchapter II—Inspection of Vessels

VESSELS SUBJECT TO INSPECTION

Sec. 1811. With the exception of private vessels merely transiting the Panama Canal, and of public vessels of all nations, vessels navigating the waters of the Panama Canal shall be subject to an annual inspection of hulls, boilers, machinery, equipment, and passenger accommodations.

FOREIGN VESSELS

Sec. 1812. With respect to a foreign vessel of a country which has inspection laws approximating those of the United States, any such vessel having an unexpired certificate of inspection duly issued by the authorities of such country shall not be subject to an inspection other than that necessary to determine whether the vessel, its boilers, and its lifesaving equipment are as stated in the certificate of inspection. A certificate of inspection may not be accepted as evidence of lawful inspection under this section unless similar privileges are granted to vessels of the United States under the laws of the country to which the vessel belongs.

REGULATIONS GOVERNING INSPECTION

Sec. 1813. The Commission shall prescribe, and from time to time may amend, regulations concerning the inspection of vessels conforming as nearly as practicable to the laws and regulations governing marine inspection by the United States Coast Guard.

TITLE II—TREATY TRANSITION PERIOD

CHAPTER 1—LAWS CONTINUED IN FORCE

LAWS, REGULATIONS, AND ADMINISTRATIVE AUTHORITY

Sec. 2101. To the extent not inconsistent with the Panama Canal Treaty of 1977 and related agreements and the provisions of this Act, the Canal Zone Code and other laws, regulations, and administrative authority of the United States applicable in the Canal Zone immediately before the date on which the Panama Canal Treaty of 1977 enters into force shall continue in force for the purpose of the exercise by the United States of law enforcement and judicial jurisdiction during the transition period provided for in Article XI of the Panama Canal Treaty of 1977 (hereinafter in this Act referred to as the "transition period").

CHAPTER 2—COURTS

JURISDICTION

Sec. 2201. (a) During the transition period, the jurisdiction of the United States District Court for the District of the Canal Zone and the magistrates' courts under title 3 of the Canal Zone shall be continued, subject to the limitations set forth in Article XI of the Panama Canal Treaty of 1977.

(b) For purposes of the exercise of the jurisdiction provided in Article XI of the Panama Canal Treaty of 1977, the United States District Court and magistrates' courts referred to in subsection (a) of this section shall construe the terms "United States citizen employees", "members of the United States Forces", "civilian component", and "dependents" as such terms are defined in the Panama Canal Treaty of 1977 and related agreements, and shall construe the terms "areas and installations made available for the use of the United States" to mean (1) The Panama Canal operating areas and housing areas described in Annex A to the Agreement in Implementation of Article III of the Panama Canal Treaty, (2) the Ports of Balboa and Cristobal described in Annex B to that Agreement, and (3) the defense sites and Military Areas of Coordination described in Annex A to the Agreement in Implementation of Article IV of the Panama Canal Treaty.

DIVISION AND TERMS OF DISTRICT COURT

Sec. 2202. The United States District Court for the District of the Canal Zone may conduct its affairs at such places within the areas made available for the use by the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, and at such times, as the district judge may designate by rule or order.

TERMS OF CERTAIN OFFICES

Sec. 2203. (a) Notwithstanding the provisions of sections 5, 41, 45, and 82 of title 3 of the Canal Zone Code, the term of office of a district judge, magistrate, United States attorney, or United States marshal shall extend for a period of 30 months beginning on the date on which the Panama Canal Treaty of 1977 enters into force, and any such term shall be subject to such extension of time as may be provided for the disposition of pending cases by agreement between the United States and the Republic of Panama, pursuant to the last sentence of paragraph 7 of Article XI of the Panama Canal Treaty of 1977.

(b) The provisions of this section shall take effect on the date of the enactment of this Act.

RESIDENCE REQUIREMENTS

Sec. 2204. Section 5(d), 7(d), 41(d), and 45(d) of title 3 of the Canal Zone Code, the second sentence of section 42 of such title, and the second sentence of section 82(c) of such title, which provisions require that certain court officials reside in the Canal Zone, are repealed.

SPECIAL DISTRICT JUDGE

Sec. 2205. (a) Section 6 of title 3 of the Canal Zone Code is amended to read as follows:

"§ 6. Special disfrict judge

"That chief judge of the judicial circuit of the United States in which the district court lies may designate and assign a special district judge to act when necessary—

"(1) during the absence of the district judge;

"(2) during the disability or disqualification of the district judge because of sickness or otherwise to discharge his duties; or

"(3) when there is a vacancy in the office of district judge.".

(b) Each designation and assignment by the chief judge under section 6 of title 3 of the Canal Zone Code, as amended by subsection (a) of this section, shall be made in accordance with chapter 13 of title 28, United States Code, which shall be deemed to apply for such purposes.

MAGISTRATES' COURTS

Sec. 2206. (a) The two magistrates' courts established pursuant to section 81 of title 3 of the Canal Zone Code and existing immediately before the date on which the Panama Canal Treaty of 1977 enters into force shall continue in operation during the transition period unless terminated during such period under subsection (b) of this section.

(b) During the transition period, the President may terminate one magistrate's court, together with the positions of magistrate and constable corresponding thereto, if the President determines that the workload is insufficient to warrant continuance of that court. If one of the magistrates' courts is so terminated, the remaining magistrate's courts shall exercise the jurisdiction that otherwise would have been exercised by the terminated court and shall take custody of and administer all records of the terminated court.

CHAPTER 3—ATTORNEYS

OATH OF ATTORNEYS

Sec. 2301. (a) Section 543 of title 3 of the Canal Zone Code is amended to read as follows:

"§ 543. Oath of attorneys admitted to bar.

"Before receiving a certificate the applicant shall take and subscribe in court an appropriate oath prescribed by the district judge.".

(b) The table of sections for chapter 17 of title 3 of the Canal Zone Code is amended by amending the item relating to section 543 to read as follows:

"543. Oath of attorneys admitted to bar.".

CHAPTER 4—TRANSITION AUTHORITY

TRANSITION AUTHORITY OF PRESIDENT

Sec. 2401. Except as expressly provided to the contrary in this or any other Act, or in the Panama Canal Treaty of 1977 and related agreements, any authority necessary for the exercise during the transition period of the rights and responsibilities of the United States specified in Article XI of the Panama Canal Treaty of 1977 shall be vested in the President.

PRISONS; PAROLE; PARDONS

Sec. 2402. (a) Subsection (c) of section 6503 of title 6 of the Canal Zone Code is amended to read as follows:

"(c) Pursuant to the provisions of section 5003 of title 18, United States Code, the Governor may contract with the Attorney General of the United States for the transfer to the custody of the Attorney General of prisoners sentenced by the United States District Court for the District of the Canal Zone to terms of imprisonment in excess of one year.".

(b) After entry into force of the Panama Canal Treaty of 1977—

(1) all prisoners imprisoned in United States prisons pursuant to contracts entered into pursuant to subsection (c) of section 6503 of title 6 of the Canal Zone Code, as amended by subsection (a) of this section, shall be committed to the custody of the Attorney General as if committed in accordance with part III of title 18, United States Code;

(2) all persons convicted of offenses in the United States District Court for the District of the Canal Zone, and sentenced to terms of imprisonment of one year or less, shall be committed to the custody of the Commission; and

(3) the Commission shall prescribe, and from time to time may amend, regulations providing for the management of prisoners in the jails located in the areas and installations made available for the use of the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, including provisions for treatment, care, assignment for work, discipline, and welfare.

(c) After the entry into force of the Panama Canal Treaty of 1977, all persons convicted of offenses in the United States District Court for the District of the Canal Zone, and sentenced to terms of imprisonment in excess of one year, shall be committed to the custody of the Attorney General pursuant to parts III and IV of title 18, United States Code.

(d)(1) Sections 6501 through 6505 of title 6 of the Canal Zone Code are repealed.

(2) The table of sections for chapter 351 of title 6 of the Canal Zone Code is amended by repealing the items relating to sections 6501 through 6505.

(3) Subsections (c) and (d) of this section shall take effect 90 days after entry into force of the prisoner transfer agreement referred to in paragraph 11 of Article IX of the Panama Canal Treaty of 1977 but in no event later than 90 days prior to the end of the transition period.

(f)(1) Chapter 355 of title 6 of the Canal Zone Code is repealed.

(2) the table of chapters for part 3 of title 6 of the Canal Zone Code is amended by repealing the item relating to chapter 355.

TITLE III—GENERAL PROVISIONS

CHAPTER 1—CEMETERIES

DISINTERMENT, TRANSPORTATION, AND REINTERMENT OF REMAINS

Sec. 3101. (a) There are authorized to be appropriated for the fiscal year beginning October 1, 1979, and subsequent fiscal years, such sums as may be necessary to carry out the purposes and provisions of Reservation (3) to the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, adopted by the United States Senate March 16, 1978, such sums to be made available to carry out such purposes and provisions.

(b) With regard to remains that are to be reinterred in the United States, the United States shall not bear the cost of funeral home services, vaults, plots, or crypts unless otherwise provided for by law.

CHAPTER 2—IMMIGRATION

SPECIAL IMMIGRANTS

Sec. 3201. (a) Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), relating to the definition of special immigrants, is amended—

(1) by striking out "or" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon; and

(3) by adding after subparagraph (D) the following new subparagraphs:

"(E) an immigrant, and his accompanying spouse and children, who is or has been an employee of the Panama Canal Company or Canal Zone Government before the date on which the Panama Canal Treaty of 1977 (as described in section

3(a)(1) of the Panama Canal Act of 1979) enters into force, who was resident in the Canal Zone on the effective date of the exchange of instruments of ratification of such Treaty, and who has performed faithful service as such an employee for one year or more;

"(F) an immigrant, and his accompanying spouse and children, who is a Panamanian national and (i) who, before the date on which such Panama Canal Treaty of 1977 enters into force, has been honorably retired from United States Government employment in the Canal Zone with a total of 15 years or more of faithful service, or (ii) who, on the date on which such Treaty enters into force, has been employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service and who subsequently is honorably retired from such employment; or

"(G) an immigrant, and his accompanying spouse and children who was an employee of the Panama Canal Company or Canal Zone Government on the effective date of the exchange of instruments of ratification of such Panama Canal Treaty of 1977, who has performed faithful service for five years or more as such an employee, and whose personal safety, or the personal safety of whose spouse or children, as a direct result of such Treaty, is reasonably placed in danger because of the special nature of any of that employment.".

(b) Section 212(d) of such Act (8 U.S.C. 1182(d)), relating to waivers of conditions of inadmissibility to the United States, is amended by adding after paragraph (8) the following new paragraphs:

"(9) The provisions of paragraph (7), of subsection (a) shall not be applicable to any alien who is seeking to enter the United States as a special immigrant under subparagraph (E), (F), or (G) of section 101(a)(27).

"(10) The provisions of paragraph (15) of subsection (a) shall not be applicable to any alien who is seeking to enter the United States as a special immigrant under subparagraph (E), (F), or (G), of section 101(a)(27) and who applies for admission as such a special immigrant not later than March 31, 1983.".

(c) Notwithstanding any other provision of law, not more than 15,000 individuals may be admitted to the United States as special immigrants under subparagraphs (E), (F), or (G) of section 101(a)(27) of the Immigration and Nationality Act, as added by subsection (a) of this section, of which not more than 5,000 may be admitted in any fiscal year.

(d)(1) The amendments made by this section shall take effect on the date of the enactment of this Act.[37]

(2) Paragraph (9) of section 212(d) of the Immigration and Nationality Act, as added by subsection (d) of this section, shall cease to be effective at the end of the transition period.

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[37] September 27, 1979.

CHAPTER 3—REPORTS, AMENDMENTS; REPEALS AND REDESIGNATION; EFFECTIVE DATE

REPORT

Sec. 3301. Until the termination of the Panama Canal Treaty of 1977, the President shall report annually on the status of the exercise of the rights and responsibilities of the United States under that Treaty. Such report shall include a discussion of the following:

(1) The actions taken by the Government of the Republic of Panama with respect to the living conditions of persons who resided in the Canal Zone before the effective date of this Act and who continue to reside in those areas made available to the United States under the Agreement in Implementation of Article III of the Panama Canal Treaty.

(2) The terms, conditions, and charges for land-use licenses within the canal operating areas specified in the Agreement in Implementation of Article III of the Panama Canal Treaty.

(3) The condition of former employees (and their dependents) of the Panama Canal Company and the Canal Zone Government who reside in the Republic of Panama on or after the effective date of this Act.

AMENDMENTS

Sec. 3302. (a) Section 1 of the title II of the Act of June 15, 1917 (50 U.S.C. 191), is amended—

(1) by striking out the second paragraph; and

(2) in subsection (b) of the last paragraph, by striking out ", the Canal Zone,".

(b) Section 1 of title XIII of the Act of June 15, 1917 (50 U.S.C. 195), is amended by striking out "the Canal Zone and".

(c) The first section of the Act of August 9, 1954 (50 U.S.C. 196), is amended by striking out ", including the Canal Zone,".

(d) The Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1974 (87 Stat. 636 *et seq.*) is amended by striking out the heading "PAYMENT TO THE REPUBLIC OF PANAMA" and all that follows that relates to the heading.

(e) Title 5, United States Code, is amended—

(1) in sections 305(a)(7), 5102(a)(1)(vii), 5342(a)(1)(G), 5348(b), and 5541(2)(xii), by striking out "Panama Canal Company" and inserting in lieu thereof "Panama Canal Commission";

(2) in sections 5504(a)(A) and 6301(2)(iv), by striking out "Canal Zone Government on Panama Canal Company" and inserting in lieu thereof "Panama Canal Commission";

(3) in section 8335(e), by striking out "Panama Canal Company or the Canal Zone Government" and inserting in lieu thereof "Panama Canal Commission";

(4) in section 5373(1), by striking out "section 121 of title 2, Canal Zone Code (76A Stat. 15)" and inserting in lieu thereof "section 1202 of the Panama Canal Act of 1979";

(5) in section 6323(c)(2)(B), by striking out "the Canal Zone,";

(6) in section 5102(c), by amending paragraph (12) to read as follows:

"(12) any Executive agency to the extent of any election under section 1212(b)(2) (relating to the Panama Canal Employment System) of the Panama Canal Act of 1979;";

(7) in section 5583(b), by—

(A) adding "and" at the end of paragraph (1);

(B) striking out paragraph (2); and

(C) redesignating paragraph (3) as paragraph (2);

(8) in section 5533(d)(7), by—

(A) striking out the semicolon at the end of subparagraph (E) and inserting in lieu thereof "; or";

(B) striking out "; or" at the end of subparagraph (F) and inserting in lieu thereof a period; and

(C) striking out subparagraph (G);

(9) in section 8146—

(A) by striking out "Canal Zone" in the catchline and inserting in lieu thereof "Panama Canal Commission";

(B) in subsection (a)(1), by striking out "Canal Zone Government and of the Panama Canal Company are concerned to the Governor of the Canal Zone" and inserting in lieu thereof "Panama Canal Commission are concerned to the Commission";

(C) in the first sentence of subsection (b), by striking out "Canal Zone Government" and inserting "Panama Canal Commission" in lieu thereof;

(D) in the first sentence of subsection (b) by striking out "or from funds of the Panama Canal Company";

(E) in the second sentence of subsection (b), by striking out "Governor of the Canal Zone" and inserting "Panama Canal Commission" in lieu thereof and by striking out "Canal Zone Government" and inserting "Panama Canal Commission" in lieu thereof;

(F) by amending subsection (c) to read as follows:

"(c) The President may authorize the Panama Canal Commission to waive, at its discretion, the making of the claim required by section 8121 of this title in the case of compensation to an employee of the Panama Canal Commission for temporary disability, either total or partial."; and

(G) in subsection (e), by striking out "Canal Zone Government and of the Panama Canal Company" and inserting in lieu thereof "Panama Canal Commission";

(10) in section 5343(a)(5), by striking out "Canal Zone" and inserting in lieu thereof "areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979).";

(11) in section 5316(87), by striking out "Governor of the Canal Zone" and inserting in lieu thereof "Administrator of the Panama Canal Commission"; and

(12) in the table of sections for chapter 81, by striking out "Canal Zone" in the item relating to section 8146 and inserting in lieu thereof "Panama Canal Commission".

REPEALS AND REDESIGNATION

Sec. 3303. (a) The following provisions of law are repealed:

(1) title 2 of the Canal Zone Code;

(2) sections 2 and 3 of title 3 of the Canal Zone Code, and the items relating to such sections in the table of sections for chapter 1 of title 3 of the Canal Zone Code;

(3) subchapter III of chapter 237 of title 6 of the Canal Zone Code and the items relating to such subchapter in the table of sections for chapter 237 of such title;

(4) subsection (d) of section 38 of the Arms Export Control Act (22 U.S.C. 2778(d)); and

(5) section 4 of the Act of November 15, 1941 (50 U.S.C. 191b).

(b) Those provisions of the Canal Zone Code not repealed by this Act are redesignated as the "Panama Canal Code". Any reference to the Canal Zone Code in those laws and regulations referred to in section 3(b) of this Act shall, subject to the provisions of such action be deemed to refer to the Panama Canal Code.

EFFECTIVE DATE

Sec. 3304. Except as provided in sections 1231, 1232, 1241, 1242, 1261, 1605, 2203, 2402, 3101, and 3201 of this Act, the preceding provisions of this Act shall take effect on the date on which the Panama Canal Treaty of 1977 enters into force.[38]

Approved September 27, 1979.

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[38] October 1, 1979.

7. National Defense Authorization Act for Fiscal Years 1988 and 1989 (P.L. 100-180, December 4, 1987)

SEC. 1403. UNITED STATES POLICY TOWARD PANAMA

(a) FINDINGS.—The Congress makes the following findings:

(1) The executive, judicial, and legislative branches of the Government of Panama are now under the influence and control of the Panamanian Defense Forces.

(2) A broad coalition of church, business, labor, civic, and political groups in Panama has called for an objective and thorough investigation of allegations concerning serious violations of law by certain officials of the Government of Panama and the Panamanian Defense Forces and has insisted that General Noriega and others involved relinquish their official positions until such an investigation has been completed.

(3) The Panamanian people continue to be denied the full rights and protections guaranteed by their constitution, as evidenced by continuing censorship and the closure of the independent media, arrests without due process, and instances of the use of excessive force by the Panamanian Defense Forces.

(4) Political unrest and social turmoil in Panama can only be resolved if the Government of Panama begins to demonstrate respect for and adherence to all provisions of the Panamanian constitution.

(b) POLICY.—Therefore, it is the sense of Congress that, subject to the condition expressed in subsection (c), the United States should take the following actions:

(1) Cease all economic and military assistance provided to the Government of Panama under the Foreign Assistance Act of 1961 and the Arms Export Control Act, other than assistance to meet immediate humanitarian concerns.

(2) Suspend all shipments of military equipment (including spare parts for military equipment) to the Government of Panama or to any of its agencies or institutions.

(3) Reassess whether the United States should terminate the importation into the United States of sugar, syrup, and molasses produced in Panama and reallocate among other foreign countries the quantities of such products that otherwise would be imported from Panama.

(c) CONDITIONS.—It is further the sense of Congress that the United States should take the actions described in subsection (b) unless, within 45 days after the date of the enactment of this Act—

(1) the Government of Panama has demonstrated substantial progress in the effort to assure civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from nonmilitary activities and institutions;

(2) the Government of Panama has established an independent investigation into allegations of illegal actions by members of the Panama Defense Forces;

(3) a nonmilitary transitional government is in power; and

(4) all constitutional guarantees, including freedom of the press, have been restored to the people of Panama.

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[87] Oct. 1, 1979.

8. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, Sec. 101(e) of the Continuing Appropriations for 1988 (P.L. 100-202, December 22, 1987)

ASSISTANCE FOR PANAMA

SEC. 570. (a) Unless the President certifies to Congress that—

(1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from non-military activities and institutions;

(2) the Government of Panama is conducting an impartial investigation into allegations of illegal actions by members of the Panama Defense Forces;

(3) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections; and

(4) freedom of the press and other constitutional guarantees, including due process of law, are restored to the Panamanian people;

then no United States assistance (including any such assistance appropriated and previously obligated) shall be obligated or expended for Panama in this fiscal year and any fiscal year thereafter, and none of the funds appropriated or otherwise made available in this Act, or any other Act, shall be used to finance any participation of the United States in joint military exercises conducted in Panama during the period January 1, 1988, through December 31, 1988.

(b) It is the sense of the Congress that if the conditions described in paragraphs (1) through (4) of subsection (a) have been certified as having been met, then not only will United States assistance be restored, but increased levels of such assistance should be considered for Panama.

(c) For purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government, including—

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(2) sales, credits, and guarantees under the Arms Export Control Act;

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(5) financing under the Export-Import Bank Act of 1945; and

(6) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence;

except that the term "United States assistance" does not include (A) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies, (B) assistance which involves the donations of food or medicine, (C) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961), (D) assistance for refugees, (E) assistance under the Inter-American Foundation Act, (F) assistance necessary for the continued financing of education for Panamanians in the United States, or (G) assistance made available for termination costs arising from the requirements of this section.

(d) The Secretary of Treasury shall instruct the United States Executive Directors to the Multilateral Development Banks (the International Bank for Reconstruction and Development, the International Finance Corporation, and the Inter-American Development Bank) to vote against any loan to Panama, unless the President has certified in advance that the conditions set forth in subsection (a) of this section have been met.

ELIMINATION OF THE SUGAR QUOTA ALLOCATION OF PANAMA

SEC. 571. (a) IN GENERAL.—Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of Panama may be imported into the United States after the date of enactment of this Act during any period for which a limitation is imposed by authorities provided under any other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States: *Provided*, That such products may be imported after the beginning of the last week of any quota year if the President certifies that for the entire duration of the quota year, freedom of the press and other consitutional guarantees, including due process of law, have been restored to the Panamanian people.

(b) REALLOCATION OF QUOTA AMOUNTS.—For any quota year for which the President does not certify for the entire duration of the quota year, freedom of the press and all other constitutional guarantees, including due process of law, have been restored to the Panamanian people, no later than the last week of such quota year, the United States Trade Representative shall reallocate among other foreign countries the quantity of sugar, sirup, and molasses products of Panama that could have been imported into the United States before the date of enactment of this Act under any limitation imposed by other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States during any period.

(c) CONFORMING AMENDMENTS TO TARIFF SCHEDULES.—

(1) Paragraph (c)(i) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended by striking out the item relating to Panama in the table.

(2) Paragraph (c) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended by adding at the end thereof the following new subparagraph:

"(iii) Notwithstanding any authority given to the United States Trade Representative under paragraphs (e) and (g) of this headnote, no allocation may be made to Panama of any portion of any limitation imposed under any paragraph of this headnote on the quantity of sugars, sirups, and molasses described in items 155.20 and 155.30 which may be entered.".

(d) CERTIFICATION.—The provisions of subsections (a) and (b), and the amendments made by subsection (c) of this section, shall cease to apply if the President certifies to Congress pursuant to section 570(a)[39] of this Act.

9. Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203, December 22, 1987)

Partial text of Public Law 100-203 [Omnibus Budget Reconciliation Act of 1987; H.R. 3545], 101 Stat. 1330, approved December 22, 1987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE—ENERGY AND ENVIRONMENTAL PROGRAMS

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Subtitle E—Panama Canal

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PART 1—PANAMA CANAL REAUTHORIZATION

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Sec. 5418. Report to Congress.

Out of the funds authorized to be appropriated by this part, the Commission [1] shall prepare and submit to the Congress a report on—

(1) the condition of the Panama Canal and potential adverse effects on United States shipping and commerce;

(2) the effect on canal operations of the military forces under General Noriega; and

(3) the Commission's evaluation of the effect on canal operations if the Panamanian Government continues to withhold its consent to major factors in the United States Senate's ratification of the Panama Canal Treaties.

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[1] The Panama Canal Commission.

10. National Defense Authorization Act, Fiscal Year 1989

Partial text of Public Law 100-456 [H.R. 4481], 102 Stat. 1918, approved September 29, 1988; as amended by

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TITLE XIII—FOREIGN RELATIONS MATTERS

SEC. 1301. SENSE OF CONGRESS CONCERNING THE PANAMA CANAL AND THE UNITED STATES SOUTHERN COMMAND

(a) Findings.—The Congress finds that—

(1) the security of, and the free flow of shipping through, the Panama Canal are vital interests of the United States; and

(2) the continued ability of the United States Southern Command (which currently has its headquarters in the Republic of Panama) to carry out assigned missions, especially the mission of defense of the Panama Canal, is essential to protecting and promoting the interests of the United States.

(b) Sense of Congress.—In light of the findings in subsection (a), it is the sense of Congress that the President should take all steps necessary to ensure the continued ability of the United States Southern Command (or any successor command) to carry out assigned missions, especially the mission of defense of the Panama Canal.

SEC. 1302.[27] LIMITATION ON ASSISTANCE TO PANAMANIAN DEFENSE FORCE

(a) Limitation.—The President may not use any funds appropriated to or for the use of any department, agency, or other entity of the United States for the purpose of providing assistance to the Panamanian Defense Force. The limitation in the preceding sentence shall cease to apply upon the submission by the President to Congress of a certification by the President—

(1) that no armed forces of the Soviet Union, the Republic of Cuba, or the Republic of Nicaragua are present in the Republic of Panama (other than military attachés accredited to the Republic of Panama); and

(2) that General Manuel Noriega has relinquished command of the Panamanian Defense Force and no longer holds any official position of leadership (either military or civilian) in the Republic of Panama.

(b) Clarification.—Subsection (a) does not prohibit the President from obligating or expending any funds necessary for—

(1) the defense of the Panama Canal,

(2) the collection of intelligence,

(3) the maintenance of United States Armed Forces in the Republic of Panama, or

(4) the protection of United States interests in the Republic of Panama.

(c) Report.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a detailed report, in both classified and unclassified form, indicating—

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[27] 22 U.S.C. 2151 note.

(1) whether (and to what extent) military, paramilitary, or intelligence personnel of the Soviet Union, Cuba, or Nicaragua are present in the Republic of Panama; and

(2) whether (and to what extent) the Panamanian Defense Force has coordinated with, cooperated with, supported, or received support from, any such personnel.

SEC. 1303. SENSE OF CONGRESS CONCERNING INDICTMENT OF GENERAL NORIEGA OF PANAMA ON DRUG-RELATED CHARGES

(a) FINDINGS.—The Congress finds that—

(1) General Manuel Noriega, the commander of the Panamanian Defense Force, was indicted on February 5, 1988, in the United States District Courts for the Southern District and for the Middle District of Florida on a number of serious drug-related charges against the laws of the United States, including charges involving trafficking in illegal drugs, protecting and supporting drug traffickers, and laundering of drug-related money; and

(2) there have been reports in the news media and from other sources that discussions between officials of the United States and General Noriega may have occurred concerning arrangements under which General Noriega would give up political power and leave the Republic of Panama in exchange for which the United States would file a motion to dismiss the indictments referred to in paragraph (1).

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the United States should not conduct or authorize any negotiations or discussions, and should not make any arrangements, with General Manuel Noriega which would involve any effort by the United States to dismiss the indictments referred to in subsection (a)(1); and

(2) that any such negotiation, discussion, or arrangement—

(A) would be incompatible with the high priority that the United States places on the war on drugs;

(B) would not further the prospects for restoring noncorrupt, democratic government to the Republic of Panama; and

(C) would not serve the interests of the United States.

11. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989
(P.L. 100-461, November 18, 1988)

TITLE V—GENERAL PROVISIONS

ASSISTANCE FOR PANAMA

SEC. 564. [88] (a) Unless the President certifies to Congress that—

(1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from non-military activities and institutions;

(2) an impartial investigation into allegations of illegal actions by members of the Panama Defense Force is being conducted;

(3) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections; and

(4) freedom of the press and other constitutional guarantees, including due process of law, are being restored to the Panamanian people;

then no United States assistance (including any such assistance appropriated and previously-obligated) shall be obligated or expended for programs, projects, or activities which assist or lend support for the Noriega regime, or ministries of government under the control of the Noreiga regime, or any successor regime that does not meet the criteria specified in subsection (a) of this section in this fiscal year and any fiscal year thereafter, and none of the funds appropriated or otherwise made available in this Act, or any other Act, shall be used to finance any participation of the United States in joint military exercises conducted in Panama during the fiscal year 1989.

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[88] 22 U.S.C. 2151 note. See also sec. 1302 and 1303 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100–456, 102 Stat. 2060).

(b) It is the sense of the Congress that if the conditions described in paragraphs (1) through (4) of subsection (a) have been certified as having been met, then not only will United States assistance be restored, but increased levels of such assistance should be considered for Panama.

(C) For purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government, including—

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(2) sales, credits, and guarantees under the Arms Export Control Act;

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(5) financing under the Export-Import Bank Act of 1945; and

(6) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence;

except that the term "United States assistance" does not include (A) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies, (B) assistance which involves the donations of food or medicine, (C) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961), (D) assistance for refugees, (E) assistance under the Inter-American Foundation Act, (F) assistance necessary for the continued financing of education for Panamanians in the United States, or (G) assistance made available for termination costs arising from the requirements of this section.

(d) The Secretary of the Treasury shall instruct the United States Executive Directors to the International Financial Institutions (the International Bank for Reconstruction and Development, the International Finance Corporation, and the Inter-American Development Bank) to vote against any loan to Panama, unless the President has certified in advance that the conditions set forth in subsection (a) of this section have been met.

ELIMINATION OF THE SUGAR QUOTA ALLOCATION OF PANAMA

SEC. 565.[89] (a) IN GENERAL.—Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of Panama may be imported into the United States after the date of enactment of this Act during any period for which a limitation is imposed by authorities provided under any other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States: *Provided,* That such products may be imported after the beginning of the last week of any quota year if the President certifies that for the entire duration of the quota year, freedom of the press and other constitutional guarantees, including due process of law, have been restored to the Panamanian people.

(b) REALLOCATION OF QUOTA AMOUNTS.—For any quota year for which the President does not certify for the entire duration of the quota year, freedom of the press and all other constitutional guarantees, including due process of law, have been restored to the Panamanian people, no later than the last week of such quota year, the United States Trade Representative shall reallocate among other foreign countries the quantity of sugar, sirup, and molasses products of Panama that could have been imported into the United States before the date of enactment of this Act under any limitation imposed by other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States during any period.

(c) CERTIFICATION.—The provisions of subsections (a) and (b), and the amendments made by subsection (c) of section 571 of the Foreign Operations, Export Financing, and Related Programs, Appropriations Act, 1988, shall cease to apply if the President certifies to Congress pursuant to section 564(a) of this Act.

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[89] 7 U.S.C. 3602 note.

M. Paraguay

1. International Security and Development Cooperation Act of 1985 (Public Law 99-83, August 8, 1985), Sec. 706

SEC. 706. MILITARY ASSISTANCE FOR PARAGUAY.

For the fiscal years 1986 and 1987, none of the funds authorized to be appropriated to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) or to carry out the Arms Export Control Act (relating to foreign military sales financing) may be used for assistance for Paraguay unless the President certifies to the Congress that the Government of Paraguay has ended the practice of torture and abuse of individuals held in detention by its military and security forces and has instituted procedures to ensure that those arrested promptly charged and brought to trial.

2. Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204, December 22, 1987)

SEC. 1214. HUMAN RIGHTS IN PARAGUAY.

(a) FINDINGS.—The Congress finds that—

(1) the Government of Paraguay systematically has violated the internationally recognized human rights of its citizens;

(2) various provisions of Paraguayan law provide for the detention of individuals without trial for an indefinite period of time;

(3) the police authorities in Paraguay arbitrarily arrest and detain individuals; and

(4) the police authorities have tortured and abused prisoners, resulting in the death of a number of detainees.

(b) SENSE OF CONGRESS.—The Congress expresses its outrage at the human rights abuses specified in subsection (a), pledges to continually speak out against all governments which commit such abuses, and urges the Government of Paraguay to respect the internationally recognized human rights of its citizens.

N. Peru

International Security and Development Cooperation Act of 1985 (Public Law 99-83, August 8, 1985), Sec. 707

SEC. 707. ASSISTANCE FOR PERU.

(a) HUMAN RIGHTS TRAINING IN IMET PROGRAMS.—Respect for internationally recognized human rights shall be an important component of the training provided for Peru under chapter 5 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 and for fiscal year 1987.

(b) STRENGTHENING THE PERUVIAN JUDICIAL SYSTEM.—Of the amount authorized to be appropriated by this Act to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 shall be used to strengthen the judicial system in Peru under section 534 of the Foreign Assistance Act of 1961 (relating to administration of justice).

O. Uruguay

International Security and Development Cooperation Act of 1985 (Public Law 99-83, August 8, 1985), Sec. 720

SEC. 720. ECONOMIC ASSISTANCE FOR URUGUAY.

Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $15,000,000 for fiscal year 1986 and $15,000,000 for fiscal year 1987 shall be available only for Uruguay.

VIII. CENTRAL AMERICA PEACE PROCESS

A. Contadora Documents

1. Document of Objectives, issued September 9, 1983, by Contadora Group

Document of objectives

Considering:

The situation prevailing in Central America, which is characterized by an atmosphere of tension that threatens security and peaceful coexistence in the region, and which requires, for its solution, observance of the principles of international law governing the actions of States, especially:

The self-determination of peoples;
Non-intervention;
The sovereign equality of States;
The peaceful settlement of disputes;
Refraining from the threat of use of force;
Respect for the territorial integrity of States;
Pluralism in its various manifestations;
Full support for democratic institutions;
The promotion of social justice;

International co-operation for development;

Respect for and promotion of human rights;

The prohibition of terrorism and subversion;

The desire to reconstruct the Central American homeland through progressive integration of its economic, legal and social institutions;

The need for economic co-operation among the States of Central America so as to make a fundamental contribution to the development of their peoples and the strengthening of their independence;

The undertaking to establish, promote or revitalize representative, democratic systems in all the countries of the region;

The unjust economic, social and political structures which exacerbate the conflicts in Central America;

The urgent need to put an end to the tensions and lay the foundations for understanding and solidarity among the countries of the area;

The arms race and the growing arms traffic in Central America, which aggravate political relations in the region and divert economic resources that could be used for development;

The presence of foreign advisers and other forms of foreign military interference in the zone;

The risks that the territory of Central American States may be used for the purpose of conducting military operations and pursuing policies of destabilization against others;

The need for concerted political efforts in order to encourage dialogue and understanding in Central America, avert the danger of a general spreading of the conflicts, and set in motion the machinery needed to ensure the peaceful coexistence and security of their peoples.

Declare their intention of achieving the following objectives:

To promote détente and put an end to situations of conflict in the area, refraining from taking any action that might jeopardize political confidence or prevent the achievement of peace, security and stability in the region;

To ensure strict compliance with the aforementioned principles of international law, whose violators will be held accountable;

To respect and ensure the exercise of human, political, civil, economic, social, religious and cultural rights;

To adopt measures conducive to the establishment and, where appropriate, improvement of democratic, representative and pluralistic systems that will guarantee effective popular participation in the decision-making process and ensure that the various currents of opinion have free access to fair and regular elections based on the full observance of citizens' rights;

To promote national reconciliation efforts wherever deep divisions have taken place within society, with a view to fostering participation in democratic political processes in accordance with the law;

To create political conditions intended to ensure the international security, integrity and sovereignty of the States of the region;

To stop the arms race in all its forms and begin negotiations for the control and reduction of current stocks of weapons and on the number of armed troops;

To prevent the installation on their territory of foreign military bases or any other type of foreign military interference;

To conclude agreements to reduce the presence of foreign military advisers and other foreign elements involved in miliary and security activities, with a view to their elimination;

To establish internal control machinery to prevent the traffic in arms from the territory of any country in the region to the territory of another;

To eliminate the traffic in arms, whether within the region or from outside it, intended for persons, organizations or groups seeking to destabilize the Governments of Central American countries;

To prevent the use of their own territory by persons, organizations or groups seeking to destabilize the Governments of Central American countries and to refuse to provide them with or permit them to receive military or logistical support;

To refrain from inciting or supporting acts of terrorism, subversion or sabotage in the countries in the area;

To establish and co-ordinate direct communication systems with a view to preventing or, where appropriate, settling incidents between States of the region;

To continue humanitarian aid aimed at helping Central American refugees who have been displaced from their countries of origin, and to create suitable conditions for the voluntary repatriation of such refugees, in consultation with or with the co-operation of the United Nations High Commissioner for Refugees (UNHCR) and other international agencies deemed appropriate;

To undertake economic and social development programmes with the aim of promoting well being and an equitable distribution of wealth;

To revitalize and restore economic integration machinery in order to attain sustained development on the basis of solidarity and mutual advantage;

To negotiate the provision of external monetary resources which will provide additional means of financing the resumption of intra-regional trade, meet the serious balance-of-payments problems, attract funds for working capital, support programmes to extend and restructure production systems and promote medium- and long-term investment projects;

To negotiate better and broader access to international markets in order to increase the volume of trade between the countries of Central America and the rest of the world, particularly the industrialized countries; by means of a revision of trade practices, the elimination of tariff and other barriers, and the achievement of price stability at a profitable and fair level for the products exported by the countries of the region;

To establish technical co-operation machinery for the planning, programming and implementation of multi-sectoral investment and trade promotion projects.

The Ministers for Foreign Affairs of the Central American countries, with the participation of the countries in the Contadora Group, have begun negotiations with the aim of preparing for the conclusion of the agreements and the establishment of the machinery necessary to formalize and develop the objectives contained in this document, and to bring about the establishment of appropriate verification and monitoring systems. To that end, account will be taken of the initiatives put forward at the meetings convened by the Contadora Group.

2. Caraballeda Message for Peace, Security and Democracy in Central America, issued on January 12, 1986, by the Contadora Group and the Contadora Support Group

The Ministers of Foreign Relations of the Contadora Group and the Group of Support to Contadora, who met in Caraballeda on January 11 and 12, 1986, express hereby that owing to the growing threats to peace in Central America and because of the possible risk of cessation of diplomatic action which would exacerbate tensions in the region, it has become urgent and necessary to encourage with renewed vigor the negotiation process fostered by the Contadora Group. This negotiation process must result in the prompt signing of Contadora's Act for Peace and Cooperation, considered as the only means of having an instrument of general political understanding which would allow the respectful, peaceful, and productive coexistence of all countries in the region. The Ministers have confirmed that, after 36 months of negotiations, there are still attitudes and situations making difficult a general and comprehensive agreement necessary to overcome the climate of hostility, and put a stop to the arms race, foreign intervention, and policies of violence. Consequently, and in order to recover the necessary climate of trust to ensure the respect of the political will of the parties in the signing of Contadora's Act for Peace and Cooperation in Central America, the Ministers are planning to:

(a) Define the permanent bases for peace in Central America.

(b) Specify the necessary actions to ensure the observance of these bases.

(c) To immediately carry out the diplomatic actions required to obtain the explicit acceptance of the bases and actions by all parties, whether involved directly or indirectly.

(d) to offer its mediation in any other actions to be undertaken.

(e) to carry out relevant tasks in expediting the signing and putting into effect of Contadora's Act for Peace and Cooperation in Central America.

1. Permanent bases for peace in Central America

Any permanent solution to the Central American conflict must have fair and balanced bases, which will express traditional values and the desire of the Latin American peoples for civilized coexistence. It is for this reason that the Ministers of the Contadora Group and of the Group of Support have determined the following permanent bases for Peace in Central America:

1. A Latin American solution.—Meaning that the solution to the Latin American problems must come from, and receive the support of, the region itself, so that it will not be included in the East-West world strategic conflict.

2. Self determination.—Meaning the independence of each of the Latin American countries to determine its own form of social and political organization, establishing at a domestic level the type of government which is freely chosen by the entire population.

3. Non-intervention in the internal affairs of other States.—Which means that no country will be able to influence, directly or by acting indirectly through a third party, the political situation of the Latin American states, or in any way affect their sovereignty.

4. Territorial integrity.—Meaning the recognition of ranges of action for each of the countries, within which each country can exercise its sovereignty and outside which the country must observe a strict compliance with the norms of international law.

5. Pluralistic democracy.—Meaning the right to universal suffrage by free and periodical elections, supervised by independent national organizations: a multiparty system that will allow the legal and organized representation of all kinds of political action and thought. A government of the majority, ensuring the basic liberties and rights of all citizens and the respect of all political minorities according to the society's constitutional order.

6. Non-presence of weapons or military bases which present a threat to peace and security.

7. No-undertaking of military actions by the countries in the region or with ties in the region, which may present a threat for the region and its peace.

8. Non-presence of foreign troops or advisers

9. No political, logistic, or military support to any group intending to subvert or destabilize the constitutional order of any Latin American state through force or terrorist acts of any kind.

10. Observance of human rights.—Meaning the unrestricted defense of civil, political and religious liberties, thus ensuring the complete material and spiritual fulfillment of all citizens.

2. Actions to ensure the observance of the permanent bases for peace

In order to effectively obtain the permanent bases for peace, it is necessary to create a climate of mutual trust, which will rebuild the spirit of negotiation and translate political will into the actual support of the bases established in order to reach the final objective of the signing and making effective Contadora's Act for Peace and Cooperation in Central America.

For this purpose, it will be necessary to make the following actions a priority:

(1) To renew and conclude the negotiations leading to the signing of Contadora's Act for Peace and Cooperation in Central America.

(2) Termination of external support to the irregular forces operating in the region.

(3) Termination of support to insurrectionist movements in all countries of the region.

(4) Freezing of the purchase of weapons and their organized distribution.

(5) Suspension of international military maneuvers.

(6) Progressive reduction, towards total elimination, of the presence of foreign military advisors and foreign military installations in the area.

(7) Commitment by the five Central American countries, through unilateral statements, to avoid aggression.

(8) Effective steps towards obtaining national reconcilation, and the total observance of human rights and individual liberties.

(9) To promote regional and international cooperation, so as to ameliorate the pressing economic and social problems which afflict the Central American region.

The Ministers are agreed in the opinion that, in order to attain the proposed objective, and to create mutual trust, it is indispensable that these initiatives be taken simultaneously.

3. Support to the permanent bases for peace and specific actions

The Contadora Group countries agree to initiate, with the necessary collaboration from the Group of Support, immediate diplomatic actions directed to obtain explicit support for these bases and actions from the five Central American countries and other members of the international community (particularly the rest of the American continent) interested in achieving peace in the region.

4. Mediation

The member countries of the Contadora Group, with the assistance of the Group of Support, offer their mediation for the purpose of facilitating the development of the following actions.

(1) To promote new actions of national reconciliation, according to the current legal framework of each of the countries, since regional stability also implies the need for internal peace in those countries who have experienced deep social divisions.

(2) To accept the proposal of the President Elect of Guatemala to initiate a process of consultations among the Central American legislative bodies regarding conditions in the Region, so as to create a regional parliament. This could contribute to a better understanding of problems in the area and to strengthen efforts towards negotiation.

(3) To encourage the re-establishment of conversations between the Governments of the United States and Nicaragua, in order to settle their differences and to identify possible forms of agreement. A respectful negotiation, which will take into account the need for mutual and equitable concessions, is the condition necessary to reduce regional tension.

The dialogue of Manzanillo served to identify the requirements for a feasible negotiation which should not be further delayed to avoid presenting a grave risk to Latin America's peace and stability. The obstacles which have stood in the way of this dialogue can be lifted by the political will and flexibility of both parties.

5. Signing of the act and its becoming effective

The eight Ministers have decided to make every effort to speed the negotiations leading to the prompt signing of Contadora's Act for Peace and Cooperation in Central America, and its becoming effective.

Caraballeda, January 12, 1986.

B. Central American Presidents Document

1. San Jose Peace Proposal, February 15, 1987
(including original Arias peace plan)

A TIME FOR PEACE

The peace of the Americas can only be sustained through the independence of each of its nations; through political and economic cooperation among its peoples; through the enjoyment of the broadest freedoms; through the existence of stable, democratic regimes, through the satisfaction of the basic needs of its inhabitants, and through progressive disarmament.

Peace demands its time. The dictatorships which for so many years have ruled the destinies of many peoples of this Continent have systematically violated man's rights and have submerged the population into poverty, exploitation, servitude, inequality, and injustice.

Peace demands its time. In a few countries of America dictators persist and with them the practices of disrespect for the highest values of man survive. The peace that demands its time thus demands the end of the dictatorships that still continue to exist. It is necessary to foster, together, the replacement of the tyrants where the peoples are the victims of the deprivation of freedom in any of its forms. That replacement is understood, preferentially, as the peaceful transition, without bloodshed, to democracy.

The peace which demands its time also demands an end to extreme poverty; it demands that equal opportunities for all become effective. Without this commitment to justice, the conflicts will persist.

The peace which demands its time also demands the strengthening of democracy in all the nations of America. There where the doors of freedom and democracy have opened, where men can freely and periodically elect their governors, where political pluralism, dialogue and the free expression of ideas prevail, the armed struggle can only be interpreted as the desire to establish a new dictatorship: it is not a matter of struggles for freedom, but rather of conflicts of fanatics who are trying to impose, by force, the thinking of a minority, whatever its ideological sign may be. Clear examples of these fanatic struggles, whose slogan is to obstruct the development of freedom in democracies, are the guerrillas who persist in El Salvador, Peru, and Colombia.

For Central America, the Governments of Costa Rica, El Salvador, Guatemala, and Honduras demand the time of peace. They want a stable and lasting peace: the peace that can only come about within a democratic regime committed to the neediest. These Governments seek the reconciliation of peoples so that brothers will not keep on killing each other. They reaffirm their faith in the political solution of problems and proclaim that in freedom and democracy, dialogue replaces the rifle, security banishes fear, and cooperation replaces egotism.

In the effort to make peace prevail, Central America is not alone. For four years, the Contadora Group, with its mediation, has expressed the feeling of a Latin America that seeks peaceful solutions among its peoples. The Contadora Support Group is the expression of brother peoples who, having rediscovered the road to democracy, proclaim that freedom and democracy are irreplaceable for reaching reconciliation in Central America. The Organization of American States has been the witness to solemn promises to establish democracy and has been the protagonist of many efforts on behalf of peace and the respect for the commitments entered into by the parties. The United Nations has been deeply interested in the Central American problem, in keeping with the responsibilities of concern to it in the promotion of peace in the world.

The Presidents of Central America have participated actively in the process to obtain security and peaceful coexistence in the region. This process led the five States to agree on the "Document of Objectives" of the Contadora Group and the "Declaration of Esquipulas."

The democratic Governments of Central America, aware that the political responsibility to solve their own problems falls to them, believe that it is urgent to establish the definitive and verifiable actions required in order to promote the solution of the regional crisis in clearly determined time frames.

It is necessary to transform thinking into action and agreements into realities. It is time to act. Compliance with agreements enhances dialogue, revives faith among the peoples, and prevents violence and war.

The Governments of Costa Rica, El Salvador, Guatemala, and Honduras, inspired in the "Charter of the Organization of American States" (Bogota Charter), and in the "Charter of the United Nations," in their purpose of promoting the peaceful solution of controversies and urging States to prevent and eliminate threats to peace and to regional security, declare that they consider the document presented by the President of Costa Rica, which is set down further on, to be a viable, timely and constructive instrument for finding the peace of Central America through political negotiation.

They affirm their decision to study their analysis in depth so that, with the suggestions and modifications that they consider appropriate, it will be put to discussion and approval at a meeting of the five Presidents of the Central American countries to take place in Esquipulas within 90 days of this date.

The Chiefs of State meeting here ask the Government of Costa Rica to forward this document to the Government of Nicaragua and to invite President Daniel Ortega Saavedra to attend the Esquipulas meeting.

The purpose of the Esquipulas meeting will be to learn of the modifications that the Governments deem necessary in order to seek the strengthening of democracy and to establish, thus, a firm and lasting peace in Central America.

The document shall be sent for their information to the countries which form the Contadora Group and the Support Group, in recognition of their interest and the important role that they play in the search for solutions to the difficult situation of the region.

The Presidents of El Salvador, Guatemala, and Honduras recognize the valient effort of President Oscar Arias on behalf of peace, and they offer him, in that respect, their total moral support and thank through him the People and Government of Costa Rica for the warm reception and hospitality of which they have been the object.

Oscar Arias Sanchez, President, Republic of Costa Rica
Jose Napoleon Duarte, President, Republic of El Salvador
Vinicio Cerezo Arevalo, President, Republic of Guatemala
Jose Azcona Hoyo, President, Republic of Honduras

San Jose, Costa Rica, February 15, 1987

PROCEDURE FOR ESTABLISHING A FIRM AND LASTING PEACE IN CENTRAL AMERICA

The Governments of the five States of Central America commit themselves to follow the procedure that is set forth here, in order to achieve the objectives and develop the principles established in the "Charter of the United Nations," the "Charter of the Organization of American States," the "Declaration of Guatemala," the "Declaration of Punta del Este," the "Communique of Panama," the "Document of Objectives" of the Contadora Group, the "Caraballeda Message for Peace, Security and Democracy in Central America," the draft "Contadora Act for Peace and Cooperation in Central America," and the "Declaration of Esquipulas." For these purposes, they shall proceed in the manner set forth below.

I. NATIONAL RECONCILIATION

a) Amnesty

In the 60 days after the signing of this document by all of the Governments of the Central American States, in those of these countries in which armed struggles exist, a general amnesty for political and related crimes shall be decreed. The respective decrees of amnesty shall establish all of the provisions that will guarantee the inviolability of life, liberty, in all of its forms, material possessions, and the security of peoples.

In addition, those decrees shall create, in each one of said States, a National Commission on Reconciliation and Dialogue, composed of representatives of the Government, the internal political Opposition, the Catholic Church, and the Inter-American Commission on Human Rights, which shall have the functions of attesting to the true observance of the national reconciliation process.

In a term that shall not exceed six months after the signing of this document, the amnesty decree shall be fully executed in all of its points, in a real and effective manner, in the opinion of said Commission.

b) Dialogue

The Governments of the States of Central America which are experiencing armed struggles shall initiate, or strengthen, where appropriate, as of the signing of this document, a broad dialogue with all the disarmed groups of the internal political opposition, as a means of patriotic strengthening and of "promoting actions of national reconciliation in those cases where deep divisions have come about in society, which will permit participation, in accordance with the law, in the processes of a democratic nature." (Document of Objectives).

2. CEASE FIRE

Simultaneously with the initiation of dialogue, the belligerant parties of each country shall suspend military actions.

3. DEMOCRATIZATION

As of the signing of this document, an "authentic pluralist and participative democratic process shall be initiated which involves the promotion of social justice, the respect for Human Rights, the sovereignty of the territorial integrity of States and the right of all nations to determine freely and without foreign interference of any kind their economic, political, and social model" (Declaration of Esquipulas), and "the measures leading to the establishment and, where appropriate, the perfecting of democratic, representative, and pluralist systems that will guarantee the effective participation of the people in decision-making and ensure the free access of the diverse currents of opinion to honest and periodic electoral processes, founded on the full observance of the rights of citizens." (Document of Objectives) For the purposes of verifying the good faith in the development of this process of democratization, it shall be understood that:

a) After 60 days, counted as of the signing of this document, complete freedom shall exist for television, the radio, and the press. This complete freedom shall include that of opening the mass media and keeping it in operation for all ideological groups, without exceptions of any nature, and operating those media without submission to prior censorship.

b) In the same period of time, total partisan political pluralism shall be displayed. Political groups shall, in that aspect, have broad access to the media, full enjoyment of the rights of association and the right to hold public demonstrations, as well as the unrestricted exercise of oral, written, and televised publicity to disseminate their ideas.

4. FREE ELECTIONS

Once the conditions inherent to any democracy have been created, free, pluralist and honest elections shall be held.

The first joint expression of the Central American States, in finding reconciliation and lasting peace for their peoples, should be the holding of elections for the selection of members of the Central American Parliament, whose creation was proposed through the "Declaration of Esquipulas" on May 25, 1986.

These elections shall be held simultaneously in all the countries of Central America in the first half of 1988, on the date upon which the Presidents of the Central American States shall agree in due time. They shall be subject to the oversight of the Organization of American States in order to guarantee to the entire world the honesty of the process, which shall be governed by the strictest norms of equal access of all political parties to the mass media, as well as by extensive facilities for holding public demonstrations and any other type of proselytizing publicity.

After the elections have been held for members of the Central American Parliament, in each country, with equal international guarantees and oversight, within the time periods established in the respective Political Constitutions, equally free and democratic elections shall be held for the designation of popular representatives in the municipalities, the parliament, and the Presidency of the Republic.

5. SUSPENSION OF MILITARY AID

Simultaneously with the signing of this document, the Governments of the five Central American States shall ask the extraregional governments which, openly or covertly, provide military aid to the insurgents or irregular forces, to suspend that aid. They shall simultaneously ask the irregular forces and the insurgent groups that are acting in Central America to abstain from receiving that aid, for the sake of an authentic Latin Americanist spirit. These requests shall be made in compliance with what is established in the "Document of Objectives" with respect to "eliminating arms trafficking, intraregional or coming from outside of the region, meant for persons, organizations, or groups trying to destabilize the governments of the Central American countries."

6. NON-USE OF THE TERRITORY TO ATTACK OTHER STATES

The five countries which sign this document reiterate their commitment to "prevent the use of their own territory and not to lend or allow military and logistical support to persons, organizations, or groups that are trying to destabilize the governments of the countries of Central America." (Document of Objectives).

7. ARMS REDUCTION

In a period of 60 days, counted as of the signing of this document, the Governments of the five Central American States shall initiate "negotiations on control and reduction of the current arms inventory and on the number of troops in arms" (Document of Objectives). For that purpose, the five Governments accept the procedure contained in the "Joint Proposal of Costa Rica and Guatemala," presented at the deliberations of the Contadora Group.

These negotiations shall also include measures for the disarming of the irregular forces acting in the region.

8. NATIONAL AND INTERNATIONAL SUPERVISION

a) Compliance Committee

Within a period of 30 days, as of the signing of this document, a Compliance Committee, composed of the Secretary General of the United Nations, the Secretary General of the Organization of American States, the Foreign Ministers of the Contadora Group, and the Foreign Ministers of the Support Group, shall be established. This Committee shall have the roles of supervision and verification of compliance with the commitments contained in this document. Its compliance functions shall apply even in those cases in which other oversight and compliance groups are established.

b) Support and facilities for the supervisory organizations

In order to strengthen the efforts of the Compliance Committee, the Governments of the five Central American States shall issue statements of support for its work. All nations interested in promoting the cause of freedom, democracy, and peace in Central American may accede to these statements.

The five Governments shall offer all the facilities necessary for the full accomplishment of the work and investigations of which the National Commission on Reconciliation and Dialogue of each country and the Compliance Committee are in charge.

9. EVALUATION OF THE PROGRESS TOWARD PEACE

On the date upon which they agree in due time, but in any case within six months after the signing of this document, the Presidents of the five Central American States shall meet in Esquipulas, Guatemala, for the purpose of evaluating the advances in the commitments entered into here.

10. DEMOCRACY AND FREEDOM FOR PEACE AND PEACE FOR DEVELOPMENT

In the climate of freedom which democracy guarantees, the countries of Central America shall adopt the economic and cultural agreements that will make it possible to accelerate development, in order to achieve more egalitarian societies free from poverty.

The points included in this document form a harmonic and indivisible whole. Its signing involves the obligation, accepted in good faith, to carry out, within the time periods established, all of the points of this "Procedure for establishing a firm and lasting peace in Central America."

This document is effective as of the date on which it is signed by the Presidents of the Governments of the five States of Central America.

Oscar Arias Sanchez, President, Republic of Costa Rica
Vinicio Cerezo Arevalo, President, Republic of Guatemala
Daniel Ortega Saavedra, President, Republic of Nicaragua
Jose Napoleon Duarte, President, Republic of El Salvador
Jose Azcona Hoyo, President, Republic of Honduras

Translated by Deanna Hammond
CRS Language Services
April 15, 1987

2. Guatemalan Agreement for Peace in Central America, August 7, 1987 (Esquipulas II)

Guatemalan Agreement for Peace in Central America

Preamble

We, the Presidents of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, meeting in Guatemala City on August 6 and 7, 1987, encouraged by the visionary and permanent will of Contadora and the Support Group for peace, strengthened by the constant support of all of the governors and peoples of the world, of their principal international organizations, and in particular of the European Economic Community and of his Holiness John Paul II, inspired by Esquipulas I, and together in Guatemala to discuss the peace plan presented by the Government of Costa Rica, we have agreed:

--To accept completely the historic challenge of forging a destiny of peace for Central America;

--To commit ourselves to struggle for peace and eradicate war;

--To make dialogue prevail over violence and reason over rancor;

--To dedicate these peace efforts to the youths of Central America, whose legitimate aspirations of peace and social justice, freedom, and reconciliation have been frustrated for many generations;

--To put in place the Central American Parliament as a symbol of freedom and independence, of the reconciliation to which we in Central America aspire.

We request respect and assistance from the international community for our efforts. We have Central American paths for peace and development, but we need assistance in order to make them a reality. We ask for an international treatment that will guarantee development so that the peace we seek will be long-lasting. We repeat firmly that peace and development are inseparable.

We thank President Vinicio Cerezo Arevalo and the noble people of Guatemala for having hosted this meeting. The generosity of the Guatemalan President and people was decisive for the climate in which the peace agreements were adopted.

Procedure for Establishing a Firm and Lasting Peace in Central America

The Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, determined to achieve the objectives and develop the principles established in the United Nations Charter, the Charter of the

Organization of American States, the Document of Objectives, the Carballeda Message for Peace, Security, and Democracy in Central America, the Guatemala Declaration, the Punta del Este Communique, the Message of Panama, the Esquipulas Declaration, and the Draft Contadora Act for Peace and Cooperation of June 6, 1986, have agreed on the following procedure for establishing a firm and lasting peace in Central America:

1. National Reconciliation

a) Dialogue

To carry out urgently, in those cases where deep divisions have come about in society, actions for national reconciliation that will permit popular participation, with full guarantees, in authentic political processes of a democratic nature, on bases of justice, freedom, and democracy and, for that purpose, to create the mechanisms that will allow, in accordance with the law, dialogue with the opposition groups.

To this end, the corresponding governments shall initiate dialogue with all unarmed groups of the internal political opposition and with those that have taken advantage of the amnesty.

b) Amnesty

In each Central American country, except in those in which the International Verification and Followup Commission determines it is not necessary, amnesty decrees shall be issued that shall establish all of the provisions which shall guarantee the inviolability of life, freedom in all of its forms, material goods, and the safety of the persons to whom said decrees are applicable. At the same time as the issuance of the amnesty decrees, the irregular forces of the respective country shall release all those persons who are in their control.

c) National Reconciliation Commission

For the verification of compliance with the commitments into which the five Central American Governments enter with the signing of this document, in the areas of amnesty, cease-fire, democratization and free elections, a National Reconciliation Commission shall be established which shall have the duties of verifying the actual compliance with the national reconciliation process, as well as the unrestricted respect for all civil and political rights of Central American citizens guaranteed in this same document.

The National Reconciliation Commission shall be made up of a principal and alternative delegate of the Executive Branch, a delegate and alternate suggested by the Episcopal Conference, and chosen by the Government from a list of three bishops that shall be presented within the period of 15 days after receipt of the formal invitation. This invitation shall be made by the governments within five working days after the signing of this document. The same approach of lists of three shall be used for the selection of a delegate and alternate from the legally registered political opposition parties. The list shall be presented in the same period as above.
Each Central American Government

shall choose, in addition, a notable citizen who is not in the Government and who does not belong to the Government Party, and his respective alternate, to be on the Commission. The agreement or decree in which the respective national commission is established shall be communicated immediately to the other Central American governments.

2. Appeal for the Cessation of Hostilities

The Governments vehemently appeal for a cease to the hostilities to be agreed upon in the States of the area which currently suffer from actions of irregular or insurgent groups. The Governments of those States promise to take all actions necessary in order to achieve an effective cease-fire within the constitutional framework.

3. Democratization

The Goverments promise to foster a true pluralistic and participatory democratic process which involves the promotion of social justice, the respect for human rights, sovereignty, the territorial integrity of States, and the right for all nations to determine freely and without foreign interference of any kind, their economic, political, and social model, and they shall, in a verifiable manner, take the steps leading to the establishment and in turn the perfecting of democratic, representative, and pluralist systems that will guarantee the organization of political parties and effective popular participation in decision-making and ensure the free access of different currents of opinion to honest and periodic electoral processes, based on the full observance of human rights. For the purposes of verifying the good faith in the develoment of this democratization process, it shall be understood that:

a) Complete freedom should exist for television, radio, and the press. This complete freedom shall include the opening and keeping in operation of media for all ideological groups and the operation of those media without subjection to prior censorship.

b) Total partisan political pluralism should be clear. Political groups shall, in that respect, have broad access to the mass media, full enjoyment of the rights of association and of the authority to hold public demonstrations in the unrestricted exercise of oral, written and televised publicity, as well as free mobility for members of political parties in a proseletizing role.

c) In addition, the Central American Governments which have a state of exception or emergency or martial law in effect shall repeal it, reestablishing a state of law with full exercise of all constitutional guarantees.

4. Free Elections

Once the conditions inherent to any democracy have been created, free, pluralistic, and honest elections shall be held.

As a joint expression of the Central American States in order to find reconciliation and a lasting peace for their peoples, elections shall be held for the formation of the Central American Parliament, whose creation was proposed through the "Esquipulas Declaration" of May 25, 1986.

For the above objectives, the leaders expressed their desire to advance in the organization of said parliament, for which purpose the Preparatory Commission of the Central American Parliament shall conclude its deliberations and deliver the respective draft treaty to the Central American Presidents within 150 days.

These elections shall be held simultaneously in all the countries of Central America in the first half of 1988, on the date upon which the Presidents of the Central American States shall agree. They shall be subject to the oversight of the corresponding electoral bodies, the respective governments promising to extend an invitation to the Organization of American States and to the United Nations, as well as to governments of third states, to send observers who shall verify that the electoral processes have been governed by the strictest norms of equal access of all political parties to the media, as well as by broad facilities for them to hold public demostrations and every other type of proseletizing propaganda.

So that the elections for the Central American Parliament will be held within the time indicated in this section, the corresponding organizational treaty shall be submitted for approval or ratification in the five countries.

After the elections for the Central American Parliament have been held in each country, with international observers and equal guarantees, and within the times established and calendars that should be proposed in accordance with the current political constitutions, equally free and democratic elections shall be held for the naming of popular represenatives in the municipalities, the congresses and legislative assemblies and the presidency of the republic.

5. Cessation of Aid to the Irregular Forces or Insurrectional Movements

The Governments of the five Central American States shall ask the Governments of the region and outside of the region which, openly or covertly, provide military, logistic, financial, or propagandistic aid, in manpower, arms, munitions and equipment to irregular forces or insurrectional movements to suspend that aid, as an indispensable element for achieving a stable and lasting peace in the region.

Not included in the above is the assistance for repatriation or, in lieu of that, relocation and assistance necessary for the reintegration into normal life of those persons who have belonged to said groups or forces. At the same time, the irregular forces and insurgent groups operating in Central America shall be asked to abstain from receiving that aid, for the sake of an authentic Latin Americanist spirit. These requests shall be made in accordance with what is established in the Document of Objectives with respect to eliminating the arms traffic, interregional or extraregional, intended for persons, organizations or groups trying to destabilize the governments of the Central American countries.

6. Nonuse of Territory to Attack Other States

The five countries which signed this document reiterate their commitment to prevent the use of their own territory and not to lend or permit military and logistical support to persons, organizations or groups trying to destabilize the governments of the countries of Central America.

7. Negotiations in the Areas of Security, Verification, Control, and Arms Limitation

The Governments of the five Central American States, with the participation of the Contadora Group, in exercise of its role as mediator, shall pursue the negotiations over the pending points in the agreement, in the areas of security, verification, and control in the Draft Contadora Act for Peace and Cooperation in Central America.

These negotiations shall also include measures for the disarmament of the irregular forces that are willing to accept the amnesty decrees.

8. Refugees and Displaced Persons

The Central American Governments commit themselves to give urgent attention to the flows of refugees and displaced persons that the regional crisis has caused, through protection and assistance, especially in the aspects of health, education, work and safety, as well as to facilitate their repatriation, resettlement or relocation, whenever it is of a voluntary nature and is stated individually.

They also commit themselves to make efforts before the international community for aid for Central American displaced persons and refugees, both in a direct manner, through bilateral or multilateral agreements, and through the United Nations High Commissioner for Refugees and other organizations and agencies.

9. Cooperation, Democracy, and Freedom for Peace and Development

In the climate of freedom guaranteed by democracy, the Central American States shall adopt agreements permitting the acceleration of development, in order to achieve more egalitarian and poverty-free societies. Consolidation of democracy presupposes the creation of a system of economic and social democracy and well-being. To achieve these objectives the Governments shall jointly seek special economic support from the international community.

10. International Verification and Followup

(A International Verification and Follow-up Commission

An International Commission on Verification and Follow-up shall be created, formed by the Secretaries-General, or their representatives, of the Organization of American States and of the United Nations, as well as by the Foreign Ministers of Central America, by the Contadora Group and by the Support Group. This Commission shall have the duties of verifying and following up on the compliance with the commitments contained in this document.

(B Support and Facilities to the Mechanisms of Reconciliation and Verification and Follow-up

With the object of strengthening the efforts of the International Commission on Verification and Follow-up, the Governments of the five Central American States shall issue statements of support for its work. All nations interested in promoting the cause of freedom, democracy and peace in Central America can support these statements. The five Governments shall offer all the necessary facilities for the full compliance with the verification and follow-up duties of each nation's National Reconciliation Commission and of the International Commission on Verification and Follow-up.

11. TIMETABLE FOR THE IMPLEMENTATION OF AGREEMENTS

Within the period of fifteen days after the signing of this document, the Foreign Ministers of Central America shall meet as an executive commission to regulate, promote and make feasible the compliance with the agreements contained in the present document, and to organize the working commissions so that, as of this date the processes are initiated to lead to the compliance with the commitments entered into within the stipulated time periods, through consultations, negotiations and other mechanisms that may be deemed necessary.

Ninety days following the date of the signing of this document, the agreements concerning amnesty, cease-fire, democratization, suspension of assistance to the irregular forces or to the insurrectional movements and non-use of the territory to attack other States, shall go into effect simultaneously and publicly, as defined herein.

One hundred and twenty days after the signing of this document, the International Commission on Verification and Follow-up shall analyze the progress (made) in the compliance with the agreements provided for herein.

After 150 days, the five Central American Presidents shall meet and shall receive a report from the International Commission on Verification and Follow-up and shall make the pertinent decisions.

FINAL PROVISIONS

The points comprised in this document form a harmonious and indivisible whole. The signing of the same entails the obligation, accepted in good faith, of simultaneously complying with its terms within the established time frame.

We, the Presidents of the five States of Central America, with the political will to respond to the longings for peace of our peoples, do sign this document in Guatemala City, on the seventh day of the month of August , nineteen hundred and eighty-seven.

Oscar Arias Sánchez, President
Republic of Costa Rica

José Napoleón Duarte, President
Republic of El Salvador

Vinicio Cerezo Arévalo, President
Republic of Guatemala

José Azcona Hoyo, President
Republic of Honduras

Daniel Ortega Saavedra, President
Republic of Nicaragua

Translated by Deanna Hammond and Wesley Kerney
CRS - Language Services
August 19, 1987

3. Joint Statement of the Presidents of Central America on Compliance with Esquipulas II Accord, San Jose, Costa Rica, January 16, 1988

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The Library of Congress

Washington, D.C. 20540

JOINT STATEMENT OF THE PRESIDENTS OF CENTRAL AMERICA

The Presidents have received the conclusions of the report of the International Commission on Verification and Follow-up, prepared in accordance with numeral 11 of Esquipulas II, with reservations indicated by some of them.

The Presidents acknowledge the effort and enormous amount of work by the Commission, which they thank for their dedication and effort in order to contribute to the compliance with the Esquipulas II accords.

The Presidents entrust the Executive Commission, upon receiving the general report, with examining it, making the pertinent recommendations.

The Presidents confirm the historic value and importance of the Esquipulas II accord, whose conception and spirit today they recognize and reaffirm as vital for the achievement of the democratization and pacification of the region.

Because of the lack of complete compliance with the Esquipulas II commitments, they promise to meet unconditional and unilateral obligations that commit the Governments to total and essential compliance. Among them are dialogue, conversations for the agreement on a cease-fire, general amnesty, and, above all, democratization, which necessarily includes the lifting of the state of emergency, total freedom of the press, political pluralism, and the non-functioning of special tribunals. The commitments enunciated that have not been carried out the governments shall be carried out immediately in a public and evident manner.

The compliance with the accords of the Esquipulas II document involves commitments whose fulfillment by the governments is the object of an indispensable specific verification, particularly the suspension of aid to the irregular groups, the non-use of territory to support the same, and the real freedom of the electoral processes, which shall be verified through the National Reconciliation Commission, giving special importance to the election of the Central American Parliament, all "as an indispensable element for achieving a stable and lasting peace in the region."

The Executive Commission, composed of the Ministers of Foreign Relations of the Central American States, shall have the principal duty of verification, monitoring, and follow-up of all of the commitments contained in the Guatemala procedure and this statement. For that, it shall work towards the cooperation of states in the region or outside of it or of organizations of recognized impartialilty and technical ability which have made clear their desire to collaborate in the Central American peace process.

*Signed during a meeting of the Central American Presidents, January 15-16, 1988, as provided for by the Central American Peace Agreement.

In addition, the compliance with Esquipulas II involves the follow-up of obligations that include an already established strategy, as is the regulation of the arms buildup, and the agreements on security and disarmament.

We express our gratitude to the international community for the political and financial support that it has promised in order to foster regional projects aimed at achieving the economic and social development of Central America, as an objective directly tied to the task of achieving, preserving, and consolidating peace since, the original causes of this conflict being economic and social, it is not possible to achieve peace without development.

The Presidents, aware of their historic responsibility to their peoples, reaffirm their wish to comply in the form expressed, which they consider unrenounceable and unalterable, promising to comply with what is pending in an immediate manner without misleading statements or evasions, aware that it will be their peoples and the international community who will judge the compliance with the obligations entered into in good faith.

We sign this statement, thanking the People of Costa Rica and their President, Dr. Oscar Arias Sanchez, for the hospitality offered which allowed us the appropriate framework for holding this meeting.

/signed/

OSCAR ARIAS SANCHEZ
President
Republic of Costa Rica

/signed/

JOSE NAPOLEON DUARTE
President
Republic of El Salvador

/signed/

VINICIO CEREZO AREVALO
President
Republic of Guatemala

/signed/

JOSE AZCONA HOYO
President
Republic of Honduras

/signed/

DANIEL ORTEGA SAAVEDRA
President
Republic of Nicaragua

Translated by
Deanna Hammond
CRS - Language Services
March 9, 1988

C. Agreement Between the Constitutional Government of Nicaragua and the Nicaragua Resistance, Sapoa, Nicaragua, March 23, 1988 (Sapoa Accord)

[Unofficial Translation]

AGREEMENT BETWEEN THE CONSTITUTIONAL GOVERNMENT OF NICARAGUA AND THE NICARAGUAN RESISTANCE

The Constitutional Government of the Nicaraguan Republic and the Nicaraguan Resistance, meeting in Sapoa, Nicaragua on March 21, 22, and 23, 1988, for the purpose of contributing to the implementation of the Esquipulas II Accords and in the presence of two witnesses, His Eminence Cardinal Miguel Obando y Bravo, President of the Episcopal Conference of Nicaragua and His Excellency Embassador Joao Baena Soares, Secretary General of the Organization of American States (OAS) have reached the following

AGREEMENT

1. To cease offensive military operations throughout the national territory for a period of 60 days beginning on April 1, 1988. During this period there will take piaee a process of integral negotiations to achieve a definitive Cease-Fire, and its effective implementation will be carried out jointly with the other commitments contemplated in Esquipulas II for the purpose of ending the war.

Both parties agree to meet again at the highest levels in Sapoa next April 6 to continue the definitive cease-fire negotiations.

2. During the first 15 days, the Resistance forces will locate themselves in zones, whose areas, size and modus operandi will be mutually determined through Special Commissions meeting in Sapoa beginning Monday, March 28, 1988.

3. The Nicaraguan Government will decree a General Amnesty for persons tried and convicted of violating the Law of Maintenance of Order and Public Security and for the members of the Army of the former regime for crimes committed before July 19, 1979.

In the former cases, the Amnesty will be gradual, taking into account the religious feelings of the Nicaraguan people, during Holy Week, on Palm Sunday, it will begin with release of the first one hundred prisoners; later, at the moment when it has been verified that the forces of the Nicaraguan Resistance have entered the mutually agreed upon zones, fifty percent of the prisoners will be released. The remaining fifty percent will be released at a later date at the moment when the definitive Cease-Fire is signed, which will be determined at the April 6 meeting in Managua.

With respect to the prisoners contemplated in the final part of the first paragraph of Number 3, their release will begin with the signing of the definitive Cease-Fire depending on a prior decision of the Inter-American Commission on Human Rights of the OAS.

The Secretary General of the OAS will be the guarantor and depository of the implementation of this Amnesty.

4. To guarantee food and basic supplies for the irregular forces, exclusively humanitarian aid will be solicited and received, in accordance with Number 5 of the Esquipulas II Accords, and it will be channeled through neutral organizations.

5. The Nicaraguan Government will guarantee unrestricted freedom of expression as contemplated in the Esquipulas II Accords.

6. Once the Nicaraguan Resistance forces are concentrated in mutually accepted zones, they will send to the National Dialogue as many delegates as its corresponding political organizations up to a maximum of eight. In the National Dialogue, among other themes, the issues related to Military Service will be treated.

7. It is quaranteed that all individuals who for political or any other reasons have left the country can return to Nicaragua and incorporate themselves into the political, economic and social life, without by conditions other than those laid down in the laws of the Republic. They will not be tried, punished or persecuted for any political-military activities they might have engaged in.

B. The Constitutional Government of Nicaragua certifies that the individuals who will have been reintegrated into normal civilian life will be able to participate, under equal conditions and guarantees, in the Central American Parliamentary elections and the municipal elections, on the dates scheduled for them, as well as in the national general elections on the dates which have been determined in the Political Constitution.

9. For the purpose of verifying the compliance with this Agreement, a Verification Commission will be formed with the participation of the President of the National Episcopal Commission, His Eminence Cardinal Miguel Obandc Y Bravo, and the Secretary General of the OAS, His Excellency Ambassador Joab Beana Soares.

The technical aid and services required for this Commission, which will allow for the expeditious implementation, follow-up and verification of this Agreement, will be sought from and entrusted to the Secretary General of the OAS.

ADDITIONAL PROVISIONAL AGREEMENT

Both parties agree to prolong to April 1, 1988 the cessation of offensive military operations agreed to by both parties this past March 21.

In good faith the signatories below subscribe to this Agreement, with two identical copies this 23rd day of March 1988, in Sapoa, Rivas, Nicaragua.

For the Nicaraguan Government: General of the Army, Humberto Ortega Saavedra, Minister of defense; Hans Juergen Wischnewski, Advisor; Paul Reichler, Adviser.

For the Directorate of the Nicaraguan Resistence; Dr. Adolfo Calero Portocarrero, Ing. Alfedo Cesar Aguirre, Dr. Aristides Sanchez Herdocia.

CEASE-FIRE COMMISSION OF THE NICARAGUAN RESISTANCE

Lic. Jaime Morales Carazo, Chief Negotiator; Dr. Fernando Aguero Rocha; Diogenes Hernandes Membreno (Comandante Fernando); Oborno Collemann (Comandante Blas); Ing. Roberto Urroz C.; Walter Calderon Lopez (Comandante Tono); Arturo Salazar Barberena (Comandante Omar); Almirante Ramon Emilio Jimenez, Adviser.

WITNESSES

Cardinal Miguel Obando Y Bravo.
Ambassador Joao Baena Soares.

*Source: Unofficial translation, Congressional Record, March 24, 1988, pp. S3013-S3014.

IX. SELECTED PRESIDENTIAL SPEECHES

A. President James Monroe (1817-1825)

Monroe Doctrine
Excerpts from Seventh Annual Message to Congress, December 2, 1823

. . . At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the Emperor and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. . . .

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal shew that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course. . . .

B. President Franklin D. Roosevelt

Good Neighbor Policy

Excerpts from Inaugural Address, March 4, 1933
before Governing Board of Pan American Union,
April 12, 1933; at Woodrow Wilson Foundation,
December 28, 1933; and before Governing Board
of Pan American Union, April 15, 1940

INAUGURAL ADDRESS by President Franklin D. Roosevelt, March 4, 1933 (extract)

Congressional Record, 77.1, 73d Congress Special Session p. 5

. . . IN THE FIELD of world policy I would dedicate this Nation to the policy of the good neighbor—the neighbor who resolutely respects himself and, because he does so, respects the rights of others--the neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors. We now realize as we have never realized before our interdependence on each other; that we cannot merely take, but must give as well. . . .

ADDRESS by President Franklin D. Roosevelt, Delivered before the Governing Board of the Pan American Union, at Washington, April 12, 1933

Department of State, *Press Releases*, April 15, 1933, p. 243

I REJOICE in this opportunity to participate in the celebration of "Pan American Day" and to extend on behalf of the people of the United States a fraternal greeting to our sister-American republics. The celebration of "Pan American Day" in this building, dedicated to international good will and cooperation exemplifies a unity of thought and purpose among the peoples of this hemisphere. It is a manifestation of the common ideal of mutual helpfulness, sympathetic understanding, and spiritual solidarity.

There is inspiration in the thought that on this day the attention of the citizens of the 21 republics of America is focused on the common ties—historical, cultural, economic, and social—which bind them to one another. Common ideals and a community of interest, together

Source: The Evolution of Our Latin American Policy: A Documentary Record, Compiled and Edited by James W. Gantenbein, Columbia University Press, 1950.

with a spirit of cooperation, have led to the realization that the well-being of one nation depends in large measure upon the well-being of its neighbors. It is upon these foundations that Pan Americanism has been built.

This celebration commemorates a movement based upon the policy of fraternal cooperation. In my inaugural address I stated that I would "dedicate this nation to the policy of the good neighbor—the neighbor who resolutely respects himself and, because he does so, respects the rights of others—the neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors." Never before has the significance of the word "good neighbor" been so manifest in international relations. Never have the need and benefit of neighborly cooperation in every form of human activity been so evident as they are today.

Friendship among nations, as among individuals, calls for constructive efforts to muster the forces of humanity in order that an atmosphere of close understanding and cooperation may be cultivated. It involves mutual obligations and responsibilities, for it is only by sympathetic respect for the rights of others and a scrupulous fulfillment of the corresponding obligations by each member of the community that a true fraternity can be maintained.

The essential qualities of a true Pan Americanism must be the same as those which constitute a good neighbor, namely, mutual understanding and, through such understanding, a sympathetic appreciation of the other's point of view. It is only in this manner that we can hope to build up a system of which confidence, friendship, and good will are the cornerstones.

In this spirit the people of every republic on our continent are coming to a deep understanding of the fact that the Monroe Doctrine, of which so much has been written and spoken for more than a century, was and is directed at the maintenance of independence by the peoples of the continent. It was aimed and is aimed against the acquisition in any manner of the control of additional territory in this hemisphere by any non-American power.

Hand in hand with this Pan American doctrine of continental self-defense, the peoples of the American republics understand more clearly, with the passing years, that the independence of each republic must recognize the independence of every other republic. Each one of us must grow by an advancement of civilization and social well-being and not by the acquisition of territory at the expense of any neighbor.

In this spirit of mutual understanding and of cooperation on this continent you and I cannot fail to be disturbed by any armed strife between neighbors. I do not hesitate to say to you, the distinguished members of the Governing Board of the Pan American Union, that I regard existing conflicts between four of our sister republics as a backward step.

Your Americanism and mine must be a structure built of confidence, cemented by a sympathy which recognizes only equality and fraternity. It finds its source and being in the hearts of men and dwells in the temple of the intellect.

We all of us have peculiar problems, and, to speak frankly, the interest of our own citizens must, in each instance, come first. But it is equally true that it is of vital importance to every nation of this continent that the American governments, individually, take, without further delay, such action as may be possible to abolish all unnecessary and artificial barriers and restrictions which now hamper the healthy flow of trade between the peoples of the American republics.

I am glad to deliver this message to you, gentlemen of the Governing Board of the Pan American Union, for I look upon the Union as the outward expression of the spiritual unity of the Americas. It is to this unity which must be courageous and vital in its element that humanity must look for one of the great stabilizing influences in world affairs.

In closing, may I refer to the ceremony which is to take place a little later in the morning at which the Government of Venezuela will present to the Pan American Union the bust of a great American leader and patriot, Francisco de Miranda. I join with you in this tribute.

ADDRESS by President Franklin D. Roosevelt at Washington, December 28, 1933 (extracts)

Department of State, *Press Releases*, December 30, 1933, p. 380. The address was delivered before the Woodrow Wilson Foundation

"COMPREHENSION must be the soil in which shall grow all the fruits of friendship." Those words, used by President Wilson in the Mobile speech in 1913, can well serve as a statement of policy by the Government of the United States. That policy applies equally to a comprehension of our internal problems and our international relations. . . .

In that speech in Mobile, President Wilson first enunciated the definite statement "that the United States will never again seek one additional foot of territory by conquest." The United States accepted that declaration of policy. President Wilson went further pointing out with special reference to our Latin American neighbors that material interests must never be made superior to human liberty.

Nevertheless, and largely as a result of the convulsion of the World War and its after effects, the complete fruition of that policy of unselfishness has not in every case been obtained. And in this we, all of us, have to share the responsibility.

I do not hesitate to say that if I had been engaged in a political campaign as a citizen of some other American republic, I might have been strongly tempted to play upon the fears of my compatriots of that republic by charging the United States of North America with some form of imperialistic desire for selfish aggrandizement. As a citizen of some other republic, I might have found it difficult to believe fully in the altruism of the richest American republic. In particular, as a citizen of some other republic, I might have found it hard to approve of the occupation of the territory of other republics, even as a temporary measure.

It therefore has seemed clear to me as President that the time has come to supplement and to implement the declaration of President Wilson by the further declaration that the definite policy of the United States from now on is one opposed to armed intervention.

The maintenance of constitutional government in other nations is not a sacred obligation devolving upon the United States alone. The maintenance of law and the orderly processes of government in this hemisphere is the concern of each individual nation within its own borders first of all. It is only if and when the failure of orderly processes affects the other nations of the continent that it becomes their concern; and the point to stress is that in such an event it becomes the joint concern of a whole continent in which we are all neighbors.

It is the comprehension of that doctrine—a comprehension not by the leaders alone but by the peoples of all the American republics, that has made the conference now concluding its labors in Montevideo such a fine success. A better state of feeling among the neighbor nations of North and Central and South America exists today than at any time within a generation. For participation in the bringing about of that result we can feel proud that so much credit belongs to the Secretary of State of the United States, Cordell Hull. . . .

PAN AMERICAN DAY ADDRESS by President Franklin D. Roosevelt, before the Governing Board of the Pan American Union, at Washington, April 15, 1940

Department of State Bulletin, Vol. II, No. 43, p. 403

Universal and stable peace remains a dream. War, more horrible and destructive than ever, has laid its blighting hand on many parts of the earth. Peace among our American nations remains secure because of the instruments we have succeeded in creating. They embody, in great measure at least, the principles upon which, I believe, enduring peace must be based throughout the world.

Peace reigns today in the Western Hemisphere because our nations have liberated themselves from fear. No nation is truly at peace if it lives under the shadow of coercion or invasion. By the simple process of agreeing that each nation shall respect the integrity and independence of the others, the New World has freed itself of the greatest and simplest cause of war. Self-restraint and the acceptance of the equal rights of our neighbors as an act of effective will has given us the peace we have had and will preserve that peace so long as we abide by this ultimate moral law.

Peace reigns among us today because we have agreed, as neighbors should, to mind our own businesses. We have renounced, each and all of us, any right to intervene in each other's domestic affairs, recognizing that free and independent nations must shape their own destinies and find their own ways of life.

Peace reigns among us today because we have resolved to settle any dispute that should arise among us by friendly negotiation in accordance with justice and equity, rather than by force. We have created effective machinery for this purpose and we have demonstrated our willingness to have full recourse to that method.

Peace reigns among us because we have recognized the principle that only through vigorous and mutually beneficial international economic relations can each of us have adequate access to materials and opportunities necessary to a rising level of economic well-being for our peoples. In every practicable way we are seeking to bring this vital principle to its realization.

We of this hemisphere have no need to seek a new international order; we have already found it. This was not won by hysterical outcries or violent movements of troops. We did not stamp out nations, capture governments, or uproot innocent people from the homes they had built. We did not invent absurd doctrines of race supremacy or claim dictatorship through universal revolution.

The inter-American order was not built by hatred and terror. It has been paved by the endless and effective work of men of good will. We have built a foundation for the lives of hundreds of millions. We have unified these lives by a common devotion to a moral order.

The Cooperative Peace in the Western Hemisphere was not created by wishing; and it will require more than words to maintain it. In this association of nations, whoever touches any one of us touches all of us. We have only asked that the world go with us in the path of peace. But we shall be able to keep that way open only if we are prepared to meet force with force if challenge is ever made.

Today we can have no illusions. Old dreams of universal empire are again rampant. We hear of races which claim the right of mastery. We learn of groups which insist they have the right to impose their way of life on other nations. We encounter economic compulsions shrewdly devised to force great areas into political spheres of influence.

All of this is not of mere academic interest. We know that what happens in the Old World directly and powerfully affects the peace and well-being of the New. It was for this very reason that we have adopted procedures that enable us to meet any eventuality. At Buenos Aires we agreed that we would consult should our peace be threatened. At Lima we agreed to stand together to defend and maintain the absolute integrity of every American nation from any attack, direct or indirect, from beyond the seas. At Panamá we worked out ways and means for keeping war away from this hemisphere. I pray God that we shall not have to do more than that; but should it be necessary, I am convinced that we should be wholly successful. The inner strength of a group of free people is irresistible when they are prepared to act.

In my conception, the whole world now is struggling to find the basis of its life in coming centuries.

I affirm that that life must be based on positive values.

C. President John F. Kennedy (1961-1963)

Alliance for Progress
White House Reception for Latin American diplomats
and Members of Congress, Washington, D.C., April 3, 1961*

Alianza para Progreso

Following is an address made by President Kennedy on March 13 at a White House reception for Latin American diplomats and Members of Congress and their wives, together with the text of a message to Congress on the subject of social progress in Latin America.

ADDRESS BY PRESIDENT KENNEDY

White House press release dated March 13; as-delivered text

It is a great pleasure for Mrs. Kennedy and for me, for the Vice President and Mrs. Johnson, and for the Members of Congress, to welcome the ambassadorial corps of the hemisphere, our longtime friends, to the White House today. One hundred and thirty-nine years ago this week the United States, stirred by the heroic struggles of its fellow Americans, urged the independence and recognition of the new Latin American Republics. It was then, at the dawn of freedom throughout this hemisphere, that Bolívar spoke of his desire to see the Americas fashioned into the greatest region in the world, "greatest," he said, "not so much by virtue of her area and her wealth, as by her freedom and her glory."

Never, in the long history of our hemisphere, has this dream been nearer to fulfillment, and never has it been in greater danger.

The genius of our scientists has given us the tools to bring abundance to our land, strength to our industry, and knowledge to our people. For the first time we have the capacity to strike off the remaining bonds of poverty and ignorance—to free our people for the spiritual and intellectual fulfillment which has always been the goal of our civilization.

Yet at this very moment of maximum opportunity, we confront the same forces which have imperiled America throughout its history—the alien forces which once again seek to impose the despotisms of the Old World on the people of the New.

I have asked you to come here today so that I might discuss these challenges and these dangers.

Common Ties Uniting the Republics

We meet together as firm and ancient friends, united by history and experience and by our determination to advance the values of American civilization. For this new world of ours is not merely an accident of geography. Our continents are bound together by a common history—the endless exploration of new frontiers. Our nations are the product of a common struggle—the revolt from colonial rule. And our people share a common heritage—the quest for the dignity and the freedom of man.

The revolutions which gave us birth ignited, in the words of Thomas Paine, "a spark never to be extinguished." And across vast, turbulent continents these American ideals still stir man's struggle for national independence and individual freedom. But as we welcome the spread of the American Revolution to other lands, we must also remember that our own struggle—the revolution which began in Philadelphia in 1776 and in Caracas in 1811—is not yet finished. Our hemisphere's mission is not yet completed. *For our unfulfilled task is to demonstrate to the entire world that man's unsatisfied aspiration for economic progress and social justice can best be achieved by free men working within a framework of democratic institutions.* If we can do this in our own hemisphere, and for our own people, we may yet realize the prophecy of the great Mexican patriot, Benito Juarez, that "democracy is the destiny of future humanity."

As a citizen of the United States let me be the first to admit that we North Americans have not always grasped the significance of this common mission, just as it is also true that many in your own countries have not fully understood the urgency of the need to lift people from poverty and ignorance and despair. But we must turn from these mistakes—from the failures and the misunderstandings of the past—to a future full of peril but bright with hope.

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*Source: U.S. Department of State Bulletin, April 3, 1961

Throughout Latin America—a continent rich in resources and in the spiritual and cultural achievements of its people—millions of men and women suffer the daily degradations of hunger and poverty. They lack decent shelter or protection from disease. Their children are deprived of the education or the jobs which are the gateway to a better life. And each day the problems grow more urgent. Population growth is outpacing economic growth, low living standards are even further endangered, and discontent—the discontent of a people who know that abundance and the tools of progress are at last within their reach—that discontent is growing. In the words of José Figueres, "once dormant peoples are struggling upward toward the sun, toward a better life."

If we are to meet a problem so staggering in its dimensions, our approach must itself be equally bold, an approach consistent with the majestic concept of Operation Pan America.[1] Therefore I have called on all the people of the hemisphere to join in a new Alliance for Progress[2]—*Alianza para Progreso*—a vast cooperative effort, unparalleled in magnitude and nobility of purpose, to satisfy the basic needs of the American people for homes, work and land, health and schools—*techo, trabajo y tierra, salud y escuela.*

Ten-Year Plan for the Americas

First, I propose that the American Republics begin on a vast new 10-year plan for the Americas, a plan to transform the 1960's into an historic decade of democratic progress. These 10 years will be the years of maximum progress, maximum effort—the years when the greatest obstacles must be overcome, the years when the need for assistance will be the greatest.

And if we are successful, if our effort is bold enough and determined enough, then the close of this decade will mark the beginning of a new era in the American experience. The living standards of every American family will be on the rise, basic education will be available to all, hunger will be a forgotten experience, the need for massive outside help will have passed, most nations will have entered a period of self-sustaining growth, and, although there will be still much to do, every American Republic will be the master of its own revolution and its own hope and progress.

Let me stress that only the most determined efforts of the American nations themselves can bring success to this effort. They, and they alone, can mobilize their resources, enlist the energies of their people, and modify their social patterns so that all, and not just a privileged few, share in the fruits of growth. If this effort is made, then outside assistance will give a vital impetus to progress; without it, no amount of help will advance the welfare of the people.

Thus if the countries of Latin America are ready to do their part—and I am sure they are—then I believe the United States, for its part, should help provide resources of a scope and magnitude sufficient to make this bold development plan a success, just as we helped to provide, against nearly equal odds, the resources adequate to help rebuild the economies of Western Europe. For only an effort of towering dimensions can insure fulfillment of our plan for a decade of progress.

Secondly, I will shortly request a ministerial meeting of the Inter-American Economic and Social Council, a meeting at which we can begin the massive planning effort which will be at the heart of the Alliance for Progress.

For if our alliance is to succeed, each Latin nation must formulate long-range plans for its own development—plans which establish targets and priorities, insure monetary stability, establish the machinery for vital social change, stimulate private activity and initiative, and provide for a maximum national effort. These plans will be the foundation of our development effort and the basis for the allocation of outside resources.

A greatly strengthened IA–ECOSOC, working with the Economic Commission for Latin America and the Inter-American Development Bank, can assemble the leading economists and experts of the hemisphere to help each country develop its own development plan and provide a continuing review of economic progress in this hemisphere.

Third, I have this evening signed a request to the Congress for $500 million as a first step in fulfilling the Act of Bogotá.[3] This is the first large-scale inter-American effort—instituted by my predecessor President Eisenhower [4]—to attack the social barriers which block economic progress. The money will be used to combat illiteracy, improve the productivity and use of their land, wipe out disease, attack archaic tax and land-tenure structures, provide educational opportunities, and offer a broad range of projects designed to make the benefits of increasing abundance available to all. We will begin to commit these funds as soon as they are appropriated.

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[1] For background, see BULLETIN of June 30, 1958, p. 1090, and Oct. 13, 1958, p. 574.

[2] *Ibid.*, Feb. 6, 1961, p. 175.

Fourth, we must support all economic integration which is a genuine step toward larger markets and greater competitive opportunity. The fragmentation of Latin American economies is a serious barrier to industrial growth. Projects such as the Central American common market and free-trade areas in South America can help to remove these obstacles.

Fifth, the United States is ready to cooperate in serious, case-by-case examinations of commodity market problems. Frequent violent changes in commodity prices seriously injure the economies of many Latin American countries, draining their resources and stultifying their growth. Together we must find practical methods of bringing an end to this pattern.

Sixth, we will immediately step up our food-for-peace emergency program, help to establish food reserves in areas of recurrent drought, and help provide school lunches for children and offer feed grains for use in rural development. For hungry men and women cannot wait for economic discussions or diplomatic meetings; their need is urgent, and their hunger rests heavily on the conscience of their fellow men.

Seventh, all the people of the hemisphere must be allowed to share in the expanding wonders of science—wonders which have captured man's imagination, challenged the powers of his mind, and given him the tools for rapid progress. I invite Latin American scientists to work with us in new projects in fields such as medicine and agriculture, physics and astronomy, and desalinization, and to help plan for regional research laboratories in these and other fields, and to strengthen cooperation between American universities and laboratories.

We also intend to expand our science-teacher training programs to include Latin American instructors, to assist in establishing such programs in other American countries, and translate and make available revolutionary new teaching materials in physics, chemistry, biology, and mathematics so that the young of all nations may contribute their skills to the advance of science.

Eighth, we must rapidly expand the training of those needed to man the economies of rapidly developing countries. This means expanded technical training programs, for which the Peace Corps,[5] for example, will be available when needed. It also means assistance to Latin American universities, graduate schools, and research institutes.

We welcome proposals in Central America for intimate cooperation in higher education, cooperation which can achieve a regional effort of increased effectiveness and excellence. We are ready to help fill the gap in trained manpower, realizing that our ultimate goal must be a basic education for all who wish to learn.

Ninth, we reaffirm our pledge to come to the defense of any American nation whose independence is endangered. As confidence in the collective security system of the OAS [Organization of American States] spreads, it will be possible to devote to constructive use a major share of those resources now spent on the instruments of war. Even now, as the Government of Chile has said, the time has come to take the first steps toward sensible limitations of arms. And the new generation of military leaders has shown an increasing awareness that armies can not only defend their countries—they can, as we have learned through our own Corps of Engineers, help to build them.

Tenth, we invite our friends in Latin America to contribute to the enrichment of life and culture in the United States. We need teachers of your literature and history and tradition, opportunities for our young people to study in your universities, access to your music, your art, and the thought of your great philosophers. For we know we have much to learn.

In this way you can help bring a fuller spiritual and intellectual life to the people of the United States and contribute to understanding and mutual respect among the nations of the hemisphere.

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[3] For text of the Act of Bogotá, see *ibid.*, Oct. 3, 1960, p. 537.

[4] *Ibid.*, Aug. 1, 1960, p. 166, and Aug. 29, 1960, p. 314.

[5] *Ibid.*, Mar. 20, 1961, p. 400.

With steps such as these we propose to complete the revolution of the Americas, to build a hemisphere where all men can hope for a suitable standard of living and all can live out their lives in dignity and in freedom.

Political Freedom and Social Progress

To achieve this goal political freedom must accompany material progress. Our Alliance for Progress is an alliance of free governments—and it must work to eliminate tyranny from a hemisphere in which it has no rightful place. Therefore let us express our special friendship to the people of Cuba and the Dominican Republic—and the hope they will soon rejoin the society of free men, uniting with us in our common effort.

This political freedom must be accompanied by social change. For unless necessary social reforms, including land and tax reform, are freely made, unless we broaden the opportunity of all of our people, unless the great mass of Americans share in increasing prosperity, then our alliance, our revolution, our dream, and our freedom will fail. But we call for social change by free men—change in the spirit of Washington and Jefferson, of Bolívar and San Martín and Martí—not change which seeks to impose on men tyrannies which we cast out a century and a half ago. Our motto is what it has always been—progress yes, tyranny no—*progreso sí, tiranía no!*

But our greatest challenge comes from within—the task of creating an American civilization where spiritual and cultural values are strengthened by an ever-broadening base of material advance, where, within the rich diversity of its own traditions, each nation is free to follow its own path toward progress.

The completion of our task will, of course, require the efforts of all the governments of our hemisphere. But the efforts of governments alone will never be enough. In the end the people must choose and the people must help themselves.

And so I say to the men and women of the Americas—to the *campesino* in the fields, to the *obrero* in the cities, to the *estudiante* in the schools—prepare your mind and heart for the task ahead, call forth your strength, and let each devote his energies to the betterment of all so that your children and our children in this hemisphere can find an ever richer and a freer life.

Let us once again transform the American Continent into a vast crucible of revolutionary ideas and efforts, a tribute to the power of the creative energies of free men and women, an example to all the world that liberty and progress walk hand in hand. Let us once again awaken our American revolution until it guides the struggles of people everywhere—not with an imperialism of force or fear but the rule of courage and freedom and hope for the future of man.

D. President Lyndon B. Johnson (1963-1969)

The Alliance for Progress: A New Kind of Revolution Address before the Pan American Health Organization Headquarters, Washington, DC, Aug. 17, 1966*

The Alliance for Progress: A New Kind of Revolution

PRESIDENT LYNDON B. JOHNSON[1]

The health of this hemisphere is the business of the house in which we have assembled this morning to celebrate the fifth anniversary of the Alliance for Progress.

From this building Dr. [Abraham] Horwitz and his staff reach to the far corners of our continent to combat disease and to minister to the medical needs of people. They know that not only the claims of compassion and personal dignity but the promise of economic prosperity demand sound bodies and healthy environments.

In the field of public health, the Pan American Health Organization was an early forerunner of the Alliance for Progress. Today it is a very integral part.

Five years ago the American governments embarked on this audacious experiment. We were neither cautious in concept nor timid in scope. We knew that our common purpose was to make a new kind of revolution.

The great question of the hemisphere was: Can sweeping change come about peacefully and constructively in freedom, or must it rise from the wreckage of violence and destruction?

Our answer began with the Act of Bogotá in 1960. The Charter of Punta del Este and the progress of 5 years since then have clearly confirmed that answer. The Republics of this hemisphere have shown

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SOURCE: *Department of State Bulletin*, LV, 1419 (September 5, 1966), 330–34.

[1] Made at the Pan American Health Organization headquarters, Washington, D.C., on Aug. 17, 1966 (White House press release; as-delivered text).

*Source: Latin America and the United States in the 1970s, Edited by Richard B. Gray, F.E. Peacock Publishers, Inc., 1971 that deep social change is compatible with peace, is consistent with democracy, and is consonant with individual liberty.

We have sounded a sure and a certain note; namely, that great change can be wrought by reason and not rifles, by builders and not bullets.

The Alliance is not a Marshall Plan to rebuild war-torn economies. Nor is it a program of handouts to bolster the status quo. The aim of the Alliance is to build new societies. And its method is to build democratically through a partnership of all. Today, the Alliance is a revolution at work—it is creating, building, transforming, reaching forward; it is touching the lives of hundreds of millions of our fellow citizens.

We are encouraged today that the average Latin American growth rates are now exceeding the minimum goal of 2½ percent per capita that was set forth at Punta del Este. But we do know that growth charts and statistics never tell the whole story. The true measure of our work is in its impact upon our peoples.

We see it in the teacher and her pupils as they move into new classrooms in the mountain plateaus of the Andes and the *barrios* of the cities; we see it in the isolated Indians of remote villages that are striving to become part of larger national communities; we see it in the laborers that are carving roads on the eastern slopes of a vast mountain range to open up the heartland of South America; we see it in the farm extension agents and in the *campesino* who for the first time works a farm that he can now call his own. We see it in the workers and the managers that are building new and great and modern industries. We see it in families that are moving from the slums to a new apartment or a new house.

We see it in wholly new institutions such as cooperatives, development banks, and unions and see them unlock the energies and the resources of thousands of people who learn the strength of a common endeavour. And we see it in new legislation to revamp outdated tax structures, to modernize obsolete systems of land tenure, and to renovate archaic institutions of government.

MYTHS SHATTERED BY THE ALLIANCE

Beyond these visible accomplishments lie very profound changes in attitude from which the future development of this hemisphere will flow. For the Alliance has shattered the myths that 5 years ago threatened its promise.

It has shattered the myth that the status quo will not yield to progressive change as a way of life. It has shattered the myth that the nations of the hemisphere cannot look across national frontiers to their sister nations in the search for common solutions. It has shattered the myth that inflationary spending is the royal road to rapid development. It has shattered the myth that communism in this hemisphere is the wave of the future. The tragic plight of the Cuban people has shown communism's writ to be worthless.

The framers of the Charter of Punta del Este labored under no illusions. They know there are no panaceas for progress. And so they charted the right, but hard, course.

They called upon the hemisphere to mobilize public and private resources for diversified investment. They called for governments to modernize public services, taxation, and agriculture. They called for our nations to mount major programs in education, health, and housing. They called for Latin America to move toward economic integration. And they called for better trading conditions and increased external financial and technical cooperation for all of Latin America.

Every man and woman in this room knows that these are not easy tasks. But we also know that the beginning of the beginning is already behind us. And now we must look to what lies ahead of us.

We have only begun to meet the needs of today, and these are but a small fraction of the needs of tomorrow.

If present trends continue, the population of this hemisphere will be almost one billion by the year 2000. Two-thirds, some 625 million, will live in Latin America. Whatever may be done through programs to reduce the rate of population growth, Latin America faces a vast challenge.

Farm production, for instance, should increase by 6 percent every year, and that will be double the present rate.

At least 140 million new jobs will need to be created.

Over a million new homes should be built each year.

More than 175,000 new doctors need to be trained to meet the very minimum requirements.

Hundreds of thousands of new classrooms should be constructed.

And annual per capita growth rates should increase to the range of 4 to 6 percent.

These requirements, added to the demands of the present, mean that new sights must be set, that new directions and renewed drive must be found if we are to meet the challenge, if we are to move forward.

ECONOMIC UNITY AND GROWTH

In a few months the Presidents of the American Republics will meet to establish the priorities for the years that are ahead of us. Our governments are carefully and today thoroughly preparing the agenda for that conference. Some of the areas of very special concern are already emerging.

First among these is the economic integration of Latin America.

The question is whether progress lies ahead in unity or in isolation.

Our sister Republics in Latin America must decide that question, and they must decide it for themselves. For our part, we deeply believe that effective unity and not separation is vital to the needs of expanding populations.

In the total development of Latin America national and local plans and projects are most important, but regionwide plans and collaboration are absolutely essential. Nineteen fertilizer industries, nineteen steel complexes, nineteen isolated markets, and nineteen different systems of tariffs—these would signify only stagnation and inefficiency, and in many instances pure waste.

We are ready, therefore, to work in close cooperation toward an integrated Latin America. As the other Republics are forming their policies to accelerate this movement, at the moment we are now reviewing the opportunities for joint action throughout the hemisphere.

To my fellow Presidents, I pledge: Move boldly along this path and the United States will be by your side.

To all the hemisphere we say: Let the pace be quickened. Time is not our ally.

The path to economic unity and growth is manyfold. We must first concentrate on those assets within our reach that are not being used to full advantage.

For instance, there are lands that are lying fallow or failing to yield their potential at the moment because of inadequate techniques or because there is too little fertilizer or because there is not enough equipment.

There are factories that are standing idle or operating at reduced capacity because production is inefficient. The national market may be too small, or the purchasing power may be too little.

There are human resources that are unused because of the shortage of jobs or the absence of skills.

And while we meet these problems, we must also prepare to conquer the inner frontiers which can provide living room and resources for generations that are yet to come. The eastern slopes of the Andes, the water systems of the Gran Pantanal River Plate and Orinoco, the barely touched areas of Central America and of Panama—these are just a few of the frontiers which this morning beckon to us.

FRONTIERS IN EDUCATION AND AGRICULTURE

But not every frontier is geographic. My fellow American Presidents and I will be greatly concerned with the other vistas before us.

For instance, there is education.

The Americas of the seventies and eighties will make large demands for trained men and women—not only for engineers, scientists, and agronomists to guide our paths, not only for electricians, carpenters, and machinists to use our tools, but for poets, artists, and musicians to enrich our lives.

All of us know that education is primarily a national task to be done with local resources. But there are endeavors where more is needed and where the Alliance must help: school construction, teacher training, and improved administration. The challenge of vocational and modern higher education is wide open—for management, technical, and administrative skills in government and in private business.

The Alliance so far has only scratched a thin mark on the great mass of illiteracy, although Latin America is the only continent in the developing world where the number and percentage of illiterates is decreasing each year.

Education, then, must become the passion of us all. Let us approach this challenge completely dissatisfied with our traditional methods. Let us adapt the modern miracles of science, radio and television, and audiovisual techniques. Let us adapt these to the needs of our children and indeed to the needs of our adults.

The time has also come to develop multinational institutions for advanced training in science and technology. For without these Latin America will suffer the continued "brain drain" of some of its ablest youth.

There is also for us the frontier of agriculture.

For too many years we have acted as if the road to prosperity runs only through the main streets of our large cities. Now we know that national prosperity is closely linked to the land and closely linked to those who cultivate the land.

In most Latin American countries it is in urban areas where poverty and despair catch our eye. But half of the people live in rural Latin America and receive less than a quarter of the national income.

There is no reason why the land of the hemisphere cannot be made to fill the needs of our homes and our factories. There is no reason why rural population should not be full partners in modern economic life. And, looking beyond our hemisphere, there is no reason why the Americas cannot supply a larger share of the growing world market for food and for fiber.

This, of course, will require better planning of crops to fit the soil and to fit the markets available. It will demand better soil and better fertilizer and better water control. It will need a good extension service to educate farmers in new methods. It will require shared mechanization, better credit and markets, and better distribution.

RESOURCES NEEDLESSLY SPENT ON ARMS

The resources required for these tasks must not be needlessly spent on arms. Military budgets in Latin America are not exceptionally large by the general world standards, but there is a recurrent tendency to seek expensive weapons with little relevance to the real requirements of security. This tendency is often reinforced by competition among the neighboring countries.

And in these Americas, where by solemn treaty and by established practice our governments are bound to resolve disputes by peaceful means, we just must find a way to avoid the cost of procuring and maintaining unnecessary military equipment that will take clothes off the backs and food away from the stomachs and education away from the minds of our children.

Well, these are some of the basic tasks—and only some—which lie before us as we try to fulfill the promise of the modern world in which we are so privileged to live.

These tasks are going to be accomplished by concrete acts and not by rhetoric. We are not interested in the appearance; we are dedicated to the achievement. By specific steps we can strengthen and we can carry forward this great Alliance for Progress that was started 5 years ago.

This will mean democratic stability in which free men can labor without upheavals and without chaos. This will mean monetary stability so that the savings of the people can work effectively to develop all the resources. This will mean fiscal responsibility—that means an efficient public administration, a sensibly managed public debt, realistic exchange rates, and a market that's unhampered by artificial monopolies. This means progressive leadership—a government wise enough to insist on modernizing reforms and the most effective allocation of public resources.

This means, above all, personal freedom and human dignity. For if men are not truly free, if individuals are not protected against economic and political exploitation, then they do turn to violence and to extremism, whose first victim, then, is progressive reform.

So, as we meet here together this morning, we all recognize that change is everywhere throughout this hemisphere. We shall either shape it or be misshaped by it. And along with change will come contrast and contradiction. One man will be orbiting the earth while below him millions of his fellow men starve. *Campesinos* will be plowing the ground with oxen while a thousand miles away atomic power works its wonders. That is the kind of world in which we are living and this is the world that we are called upon to deal with.

So I say to you this morning, let's go back to the original question, the basic question: Can sweeping change be progressive and be peaceful?

A Peaceful, Progressive Adventure

My own country knows of this question. We are going through such a change even as I speak. It began in the 1930's, and it is continuing today. I lived here during the Great Depression. I remember the tattered soldiers going down Pennsylvania Avenue to Anacostia. I remember the poor who went hungry and formed our souplines and the men and women who searched for work that they could not find.

I remember the loss of confidence and hope, the biting despair and the fear that gripped a whole continent. If ever a great nation was tempted to surrender to authoritarian rule, if ever free people were tempted to barter freedom for bread, we were tempted in the United States in the early 1930's.

Instead, by peaceful although sometimes very controversial means, we rebuilt our society. We shaped laws which preserved the freedom of individuals but protected them against the excesses of extremism. They are all so familiar in my mind. I remember the stock market regulations and the stock exchange and securities act. I remember the social security that so many people feared was so socialistic, and Federal housing and guaranteed bank deposits, and minimum wages when we voted for 25 cents an hour (many predicted our political defeat), when collective bargaining was insured by law, and when we rescued and saved and brought back to life the Tennessee Valley Authority, the agricultural extension act, and many more.

We gave the lie in those years, and since, to Karl Marx's theory that the rich must get richer and the poor, poorer.

Through a peaceful and a very progressive adventure, the poor have moved on upward, the middle class has broadened enormously, and prosperity has reached so many that we can afford to be concerned not only about quantity but about quality as well—the quality of our children's education, the quality of the medical care for our parents, the quality of our life in the rural and in the urban areas.

Now, I would be the last to indicate that all of our problems are solved. Far, far from it. But with all the world watching us operate in this goldfish bowl, we are continually striving to fulfill our promises, to live up to our expectations.

Throughout the hemisphere this morning I think this same experience is underway. Our chosen instrument is the Alliance for Progress. It is not a recipe for instant utopia, as President Kennedy assured you so many times in his statements about his dreams. Perhaps only our children and theirs will finally know whether the Alliance really wins or not. But we do know this much: We are moving! We do know what must be done, and we think we know how to do it.

We do know that social progress and economic change under liberty are the only acceptable roads to national vitality and to individual dignity. We do know that to achieve fulfillment a people must be free. And for people to be free, they must be educated. And to learn, they must have bread.

We know that risk and danger are the marks of our time.

We know that what we do now will shape not only this generation but generations yet unborn.

So I am very proud that you asked me to come here today, and I am so glad that I am privileged to be here with you on this occasion.

A meeting like this, and like the conference of American Presidents that is ahead of us, does not in itself change the conditions in which we live. But if it changes us, if it renews our confidence in one another, if it inspires us and gives us strength to carry on and continue the grueling and challenging work that peaceful change requires, it will have served its purpose and met its responsibilities.

Thank you so much for indulging me.

E. President Richard Nixon (1969-1974)

Action for Progress for the Americas Address before the Inter-American Press Association, October 31, 1969*

Action for Progress for the Americas

PRESIDENT RICHARD M. NIXON

Mr. Chairman, ladies and gentlemen of the Inter-American Press Association, I welcome this opportunity to speak to you and to our neighbors throughout the new world about a matter uppermost in the minds and hearts of all of us. I want to speak to you about the state of our partnership in the Americas. In doing so, I wish to place before you some suggestions for reshaping and re-invigorating that partnership.

Often we in the United States have been charged with an overweening confidence in the rightness of our own prescriptions: occasionally we have been guilty of the charge. I intend to correct that. Therefore, my words tonight are meant as an invitation by one partner for further interchange, for increased communication, and above all for new imagination in meeting our shared responsibilities.

For years, we in the United States have pursued the illusion that we could re-make continents. Conscious of our wealth and technology, seized by the force of our good intentions, driven by our habitual impatience, remembering the dramatic success of the Marshall Plan in postwar Europe, we have sometimes imagined that we knew what was best for everyone else and that we could and should make it happen.

But experience has taught us better.

It has taught us that economic and social development is not an achievement of *one* nation's foreign policy, but something deeply rooted in each nation's own traditions.

It has taught us that aid that infringes pride is no favor.

It has taught us that each nation, and each region, must be true to its own character.

What I hope we can achieve, therefore, is a more mature partnership in which all voices are heard and none is predominant—a partnership guided by a healthy awareness that give-and-take is better than take-it-or-leave-it.

SOURCE: An address by President Richard M. Nixon before the Inter-American Press Association, October 31, 1969. U.S. Department of State Publication 8501, *Inter-American Series 97*. Office of Media Services, Bureau of Public Affairs.

*Source: Latin America and the United States in the 1970s, Edited by Richard B. Gray, F.E. Peacock Publishers, Inc., 1971

My suggestions this evening for new directions toward a more balanced relationship come from many sources.

First, they are rooted in my personal convictions. I have seen the problems of the Hemisphere at first hand, and I have felt its surging spirit—determined to break the grip of outmoded structures, yet equally determined to avoid social disintegration. Freedom—justice—a chance for each of our people to live a better and more abundant life—these are goals to which I am unshakably committed. Progress in our Hemisphere is not only a practical necessity but a moral imperative.

Second, these new approaches have been substantially shaped by the report of Governor Rockefeller, who, at my request, listened perceptively to the voices of our neighbors and incorporated their thoughts into a set of foresighted proposals.

Third, they are consistent with thoughts expressed in the Consensus of Vina del Mar, which we have studied with great care.

Fourth, they have benefited from the counsel of many persons in government and out, in this country and throughout the Hemisphere.

And, finally, basically, they reflect the concern of the people of the United States for the development and progress of a Hemisphere which is new in spirit, and which—through our efforts together—we can make new in accomplishment.

I offer no grandiose promises and no panaceas.

I do offer action.

The actions I propose represent a new approach, based on five principles:

> First, a firm commitment to the inter-American system, and to the compacts which bind us in that system—as exemplified by the Organization of American States and by the principles so nobly set forth in its charter.
>
> Second, respect for national identity and national dignity, in a partnership in which rights and responsibilities are shared by a community of independent states.
>
> Third, a firm commitment to continued U.S. assistance for Hemisphere development.
>
> Fourth, a belief that the principal future pattern of this assistance must be U.S. support for Latin American initiatives, and that this can best be achieved on a multilateral basis within the inter-American system.
>
> Fifth, a dedication to improving the quality of life in the Western Hemisphere—to making people the center of our concerns, and to helping meet their economic, social and human needs.

We have heard many voices from Latin America in these first months of our new Administration—voices of hope, voices of concern, voices of frustration.

We have listened.

Those voices have told us they wanted fewer promises and more action. They have told us that U.S. aid programs seemed to have helped the United States more than Latin America. They have told us our trade policies were insensitive to Latin American needs. They have told us that if our partnership is to thrive, or even to survive, we must recognize that the nations of Latin America must go forward in their own way, under their own leadership.

It is not my purpose here tonight to discuss the extent to which we consider the various charges right or wrong. But I recognize the concerns, and I share many of them. What I propose tonight is, I believe, responsive to those concerns.

The most pressing concern centers on economic development—and especially on the policies by which aid is administered and by which trade is regulated.

In proposing specific changes tonight, I mean these as examples of the actions I believe are possible in a new kind of partnership.

Our partnership should be one in which the United States lectures less and listens more, and in which clear, consistent procedures are established to ensure that the shaping of Latin America's future reflects the will of the Latin American nations.

I believe this requires a number of changes.

To begin with, it requires a fundamental change in the way in which we manage development assistance in the Hemisphere.

I propose that a multilateral inter-American agency be given an increasing share of responsibility for development assistance decisions. CIAP—the Inter-American Committee for the Alliance for Progress—could be given this function. Or an entirely new agency could be created. Whatever the form, the objective would be to evolve an effective multilateral framework for bilateral assistance, to provide the agency with an expert international staff and, over time, to give it major operational and decisionmaking responsibilities.

The Latin American nations themselves would thus jointly assume a primary role in setting priorities within the Hemisphere, in developing realistic programs, and in keeping their own performance under critical review.

One of the areas most urgently in need of new policies is trade. In order to finance their import needs and to achieve self-sustaining growth, the Latin American nations must expand their exports.

Most Latin American exports now are raw materials and foodstuffs. We are attempting to help the other countries of the Hemisphere to stabilize their earnings from those exports, and to increase them as time goes on.

Increasingly, however, those countries will have to turn toward manufactured and semi-manufactured products for balanced development and major export growth. Thus they need to be assured of access to the expanding markets of the industrialized world. In order to help achieve this, I have determined to take the following major steps:

> First, to lead a vigorous effort to reduce the nontariff barriers to trade maintained by nearly all industrialized countries against products of particular interest to Latin American and other developing countries.
>
> Second, to support increased technical and financial assistance to promote Latin American trade expansion.
>
> Third, to support the establishment, within the inter-American system, of regular procedures for advance consultation on all trade matters. U.S. trade policies often have a heavy impact on our neighbors. It seems only fair that in the more balanced relationship we seek, there should be full consultation within the Hemisphere family *before* decisions affecting its members are taken, not after.
>
> Finally, in world trade forums to press for a liberal system of generalized tariff preferences for all developing countries, including Latin America. We will seek adoption by all of the industrialized countries of a scheme with broad product coverage and with no ceilings on preferential imports. We will seek equal access to industrial markets for all developing countries so as to eliminate the discrimination against Latin America that now exists in many countries. We will also urge that such a system eliminates the inequitable "reverse preferences" that now discriminate against Western Hemisphere countries.

There are three other important economic issues that directly involve the new partnership concept, and which a number of our partners have raised: "tied" loans, debt service and regional economic integration.

For several years now, virtually all loans made under U.S. aid programs have been "tied"—that is, they have been encumbered with restrictions designed to maintain U.S. exports, including a requirement that the money be spent on purchases in the United States. These restrictions have been burdensome for the borrowers, and have impaired the effectiveness of the aid. In June, I ordered the most cumbersome restrictions removed. In addition, I am now ordering that effective November 1, loan dollars sent to Latin America under AID be freed to allow purchases not only here, but anywhere in Latin America. As a third step, I am also ordering that all other onerous conditions and restrictions on U.S. assistance loans be reviewed, with the objective of modifying or eliminating them.

If I might add a personal word, this decision on freeing AID loans is one of those things that people kept saying ought to be done but could not be done. In light of our own balance of payments problems, there were compelling arguments against it. But I felt the needs of the Hemisphere had to come first, so I simply ordered it done—showing our commitment in actions, rather than only in words. This will be our guiding principle in the future.

The growing burden of external debt service has increasingly become a major problem of future development. Some countries find themselves making heavy payments in debt service which reduce the positive effects of development aid. I suggest that CIAP might appropriately urge the international financial organizations to recommend possible remedies.

We have seen a number of moves in Latin America toward regional economic integration, such as the establishment of the Central American Common Market, the Latin American and Caribbean Free Trade Areas, and the Andean Group. The decisions on how far and how fast this process of integration goes, of course, are not ours to make. But I do want to stress that we stand ready to help in this effort, if our help should be wanted.

On all these matters, we look forward to consulting further with our Hemisphere partners. In a major, related move, I am also directing our representatives to invite CIAP, as a regular procedure, to conduct a periodic review of U.S. economic policies as they affect the other nations of the Hemisphere, and to consult with us about them. Similar reviews are now made of the other Hemisphere countries' policies, but the United States has not previously opened its policies to such consultation. I believe true partnership requires that we should, and henceforth, if our partners so desire, we shall.

I would like to turn now to a vital subject in connection with economic development in the Hemisphere, namely, the role of private investment. Clearly, each government must make its own decisions about the place of private investment, domestic and foreign, in its development process. Each must decide for itself whether it wishes to accept or forego the benefits private investment can bring.

For a developing country, constructive foreign investment has the special advantage of being a prime vehicle for the transfer of technology. And certainly, from no other source is so much investment capital available. As we all have seen, however, just as a capital-exporting nation cannot expect another country to accept investors against its will, so must a capital-importing country expect a serious impairment of its ability to attract investment funds when it acts against existing investments in a way which runs counter to commonly accepted norms of international law and behavior. And unfortunately, and perhaps unfairly, such acts by one nation affect investor confidence in the entire region.

We will not encourage U.S. private investment where it is not wanted, or where local political conditions face it with unwarranted risks. But my own strong belief is that properly motivated private enterprise has a vital role to play in social as well as economic development. We have seen it work in our own country. We have seen it work in other countries, whether they are developing or developed, that lately have been recording the world's most spectacular rates of economic growth.

In line with this belief, we are examining ways to modify our direct investment controls in order to help meet the investment requirements of developing nations in Latin America and elsewhere. I have further directed that our aid programs place increasing emphasis on assistance to locally-owned private enterprise. I am also directing that we expand our technical assistance for establishing national and regional capital markets.

As we all have seen, in this age of rapidly advancing science, the challenge of development is only partly economic. Science and technology increasingly hold the key to our national futures. If the promise of this final third of the Twentieth Century is to be realized, the wonders of science must be turned to the service of man.

In the Consensus of Vina del Mar, we were asked for an unprecedented effort to share our scientific and technological capabilities.

To that request, we shall respond in a spirit of partnership.

This, I pledge to you tonight: the nation that went to the moon in peace for all mankind is ready to share its technology in peace with its nearest neighbors.

Tonight, I have discussed with you a new concept of partnership. I have made a commitment to action. I have given examples of actions we are prepared to take.

But as anyone familiar with government knows, commitment alone is not enough. There has to be the machinery to ensure an effective followthrough.

Therefore, I am also directing a major re-organization and upgrading of the U:S. Government structure for dealing with Western Hemisphere affairs.

As a key element of this, I have ordered preparation of a legislative request, which I shall submit to Congress, raising the rank of the Assistant Secretary of State for Inter-American Affairs to Under Secretary—thus giving the Hemisphere special representation. This new Under Secretary will be given authority to coordinate all U.S. Government activities in the Hemisphere.

Debates have long raged, both in the United States and elsewhere, over what our attitudes should be toward the various forms of government within the inter-American system.

Let me sum up my own views.

First, my own country lives by a democratic system which has preserved its form for nearly two centuries. We are proud of our system. We are jealous of our liberties. We hope that eventually most, perhaps even all, of the world's people will share what we consider to be the blessings of a genuine democracy.

We are aware that most people today, in most countries of the world, do not share those blessings.

I would be less than honest if I did not express my concern over examples of liberty compromised, of justice denied or of rights infringed.

Nevertheless, we recognize that enormous, sometimes explosive, forces for change are operating in Latin America. These create instabilities, and bring changes in governments. On the diplomatic level, we must deal realistically with governments in the inter-American system as they are. We have, of course, a preference for democratic procedures, and we hope that each government will help its people to move forward toward a better, a fuller and a freer life.

In this connection, however, I would stress one other point. We cannot have a peaceful community of nations if one nation sponsors armed subversion in another's territory. The Ninth Meeting of American Foreign Ministers clearly enunciated this principle. The "export" of revolution is an intervention which our system cannot condone, and a nation which seeks to practice it can hardly expect to share in the benefits of the community.

Finally, a word about what all this can mean for the world.

Today, the world's most fervent hope is for a lasting peace in which life is secure, progress is possible and freedom can flourish.

In each part of the world, we can have lasting peace and progress only if the nations directly concerned take the lead themselves in achieving it. And in no part of the world can there be a true partnership if one partner dictates its direction.

I can think of no assembly of nations better suited than ours to point the way in developing such a partnership. And a successfully progressing Western Hemisphere, demonstrating in action mutual help and mutual respect, will be an example for the world. Once again, by this example, we will stand for something larger than ourselves.

For three quarters of a century, many of us have been linked together in the Organization of American States and its predecessors in a joint quest for a better future. Eleven years ago, Operation Pan America was launched as a Brazilian initiative. More recently, we have joined in an Alliance for Progress, whose principles still guide us. Now our goal for the 70s should be a decade of Action for Progress for the Americas.

As we seek to forge a new partnership, we must recognize that we are a community of widely diverse peoples. Our cultures are different. Our perceptions are often different. Our emotional reactions are often different. Partnership—mutuality—these do not flow naturally. We have to work at them.

Understandably, perhaps, a feeling has arisen in many Latin American quarters that the United States "no longer cares."

My answer to that is simple.

We do care. I care. I have visited most of your countries. I have met most of your leaders. I have talked with your people. I have seen your great needs, as well as your great achievements.

And I know this, in my heart as well as in my mind: If peace and freedom are to endure in the world, there is no task more urgent than lifting up the hungry and the helpless, and putting flesh on the dreams of those who yearn for a better life.

Today, we share an historic opportunity.

As we look together down the closing decades of this century, we see tasks that summon the very best that is in us. But those tasks are difficult precisely because they do mean the difference between despair and fulfillment for most of the 600 million people who will live in Latin America by the year 2000. Those lives are our challenge. Those lives are our hope. And we could ask no prouder reward than to have our efforts crowned by peace, prosperity and dignity in the lives of those 600 million human beings, each so precious and each so unique--our children and our legacy.

F. President Jimmy Carter (1977-1981)

1. President Carter's Pan American Day Address, April 4, 1977

President Carter's Pan American Day Address [1]

Hace tres años, tuve el honor y placer de hablar ante la Asamblea General de la OEA celebrada en mi estado de Georgia. Igual que en Atlanta, hoy seguiré el consejo de mis compañeros, que opinan—para el beneficio de buenas relaciones—sería mejor que no hablara en español hoy.

[Three years ago I had the honor and pleasure of speaking before the General Assembly of the OAS held in my State of Georgia. As I did then in Atlanta, I will today follow the advice of my friends, who have the opinion that—in the interest of good relations—it would be better for me not to speak in Spanish today.]

Since I can also speak English, I will shift to that language.

That day in Atlanta three years ago, I shared with you some of the thoughts that my wife and I had brought back from our visits to several of the American states. I spoke particularly for the need for constant cooperation, consultation, and harmony among the nations of this hemisphere. I believe that just as strongly today as President of the United States as I did three years ago as Governor of Georgia.

I am delighted to be with you in this beautiful House of the Americas. For nearly three decades the OAS has stood for mutual respect among sovereign nations for peace and the rule of law in this hemisphere. The OAS Charter pledges us to individual liberty and social justice. I come here now to restate our own commitment to these goals.

The challenge before us today, however, is not just to reaffirm those principles but to find ways to make them a reality. To do this, we must take account of the changes in our relationships that have taken place over the last 10 years, and we must candidly acknowledge the differences that exist among us. We must adapt our current policies and institutions to those changes so that we can pursue our goals more effectively.

As nations of the New World, we once believed that we would prosper in isolation from the Old World. But since the Second World War in particular, all of us have taken such vital roles in the world community that isolation would now be harmful to our own best interests and to other countries. Our joining in the International Monetary Fund, the World Bank, and the General Agreement on Tariffs and Trade are all signs that we understand this. So is the United Nations Conference on Trade and Development, which Raúl Prebisch of Argentina made into an important forum of the developing world. Venezuela is now cochairing the Paris Conference on International Economic Cooperation. The United Nations Economic Commission for Latin America is a source of many creative ideas on development throughout the world. The leaders of many Latin American nations have been the driving force behind improving North-South negotiations.

In all these ways, the nations of Latin America were among the first in our changing world to see the importance of adapting global institutions to the new realities of our day.

The problems and the promises of our region have become as diverse as the world itself. The economies of most Latin American nations have been developing rapidly, although of course at different rates. Some have an impressive rate of growth. Some, a few, are among the poorest in the developing world. Some have abundant energy resources; others are desperately short of energy. Some of our countries export primary products only. Some have become major exporters of advanced manufactured goods, while others export little at all. Your problems of market access, technology transfer, and debt management sometimes defy regional solutions.

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[1] Made before the Permanent Council of the Organization of American States at the Pan American Union at Washington, D.C., on Apr. 14 (text from Weekly Compilation of Presidential Documents dated Apr. 18).

*Source: U.S. Department of State Bulletin, May, 1977

In addition to economic diversity, we have all developed widely varied forms and philosophies of government. This diversity has brought national pride and national strength. And as you've played more independent and important roles in world politics, we have all begun to construct more normal and more balanced and more equal relationships.

Basic Elements of New Approach

In the light of these changes, a single U.S. policy toward Latin America and the Caribbean makes little sense. What we need is a wider and a more flexible approach, worked out in close consultation with you. Together, we will develop policies more suited to each nation's variety and potential. In this process, I will be particularly concerned that we not seek to divide the nations of Latin America one from another or to set Latin America apart from the rest of the world. Our own goal is to address problems in a way which will lead to productive solutions—globally, regionally, and bilaterally.

Our new approach will be based on three basic elements:

First of all is a high regard for the individuality and the sovereignty of each Latin American and Caribbean nation. We will not act abroad in ways that we would not tolerate at home in our own country.

Second is our respect for human rights, a respect which is also so much a part of your own tradition. Our values and yours require us to combat abuses of individual freedom, including those caused by political, social, and economic injustice. Our own concern for these values will naturally influence our relations with the countries of this hemisphere and throughout the world. You will find this country, the United States of America, eager to stand beside those nations which respect human rights and which promote democratic ideals.

Third is our desire to press forward on the great issues which affect the relations between the developed and the developing nations. Your economic problems are also global in character and cannot be dealt with solely on regional terms.

However, some of our own global policies are of particular interest to other American states. When major decisions are made in these areas, we will consult with you.

—The United States will take a positive and an open attitude toward the negotiation of agreements to stabilize commodity prices, including the establishment of a common funding arrangement for financing buffer stocks where they are a part of individual and negotiated agreements.

—We will actively pursue the multilateral trade negotiations with your governments in Geneva, Switzerland. We are committed to minimize trade restrictions and to take into account the specific trade problems of developing countries and to provide special and more favorable treatment where feasible and appropriate. We believe that this is in our mutual interest and that it will create important new opportunities for Latin American trade.

—Our own science and technology can be useful to many of your countries. For instance, we are ready to train your technicians to use more information gathered by our own satellites, so that you can make better judgments on management of your resources and your environment. Space communications technology can also be a creative tool in helping your national television systems to promote your educational and cultural objectives.

—I have asked Congress to meet in full our pledges to the Inter-American Development Bank and the other multilateral lending institutions which loan a high proportion of their capital to the relatively advanced developing countries of Latin America.

—And finally, we are directing more and more of our bilateral economic assistance to the poorer countries. We are also prepared to explore with other nations new ways of being helpful on a wide range of institutional, human development, and technological approaches which might enable them to deal more effectively with the problems of the needy. All of us have a special responsibility to help the poorest countries in the world as well as the poorest people in each of our countries.

I would like to add a word about private investment. Your governments are understandably interested in setting rules that will encourage private investors to play an important role in your development. We support your efforts and recognize that a new flexibility and adaptability are required today for foreign investment to be most useful in combining technology, capital management, and market experience to meet your development needs. We will do our part in this field to avoid differences and misunderstandings between your governments and ours.

Global and Regional Challenges

One of the most significant political trends of our time is the relationship between the developing nations of the world and the industrialized countries. We benefit from your advice and counsel, and we count on you to contribute your constructive leadership and help guide us in this North-South dialogue.

We also hope to work with all nations to halt the spread of nuclear explosive capabilities. The states of Latin America took the initiative 10 years ago when you set up the first nuclear-free zone in any populated area of the world. The Treaty of Tlatelolco is a model worthy of our own admiration. For our part the United States will sign, and I will ask the Senate to ratify, protocol I of the treaty prohibiting the placement of nuclear weapons in Latin America.

However, banning the spread of nuclear explosives does not require giving up the benefits of peaceful nuclear technology. We mean to work closely with all of you on new technologies to use the atom for peaceful purposes.

To slow the costly buildup of conventional arms, we are seeking global policies of restraint. We are showing restraint in our own policies around the world, and we will be talking to supplier nations and to prospective buyers about ways to work out a common approach. We also believe that regional agreements among producers and purchasers of arms can further such a global effort.

I spent most of this morning working on a new U.S. policy to reduce the sale of conventional arms around the world. Again, you in Latin America have taken the lead. The pledge of eight South American nations to limit the acquisition of offensive arms in their region is a striking example. If the eight nations can implement their pledge, their own people will not be the only ones to benefit. They will have set a standard for others throughout the world to follow.

These are challenges that face us in the future. There are also problems that plague us from the past. And we must work together to solve them.

One that addresses itself to us is the Panama Canal. In the first days of my own Administration, just a few weeks ago, I directed a new approach to our negotiations with Panama on a new canal treaty. In the light of the changes which I discussed before, the treaty of 1903, which combines [defines] our relationship with Panama on the canal, is no longer appropriate or effective.

I am firmly committed to negotiating in as timely a fashion as possible a new treaty which will take into account Panama's legitimate needs as a sovereign nation and our own interests and yours in the efficient operation of a neutral canal open on a nondiscriminatory basis to all users.

Another problem which we must in a way address together is that of Cuba. We believe that normal conduct of international affairs and particularly the negotiation of differences require communication with all countries in the world. To these ends, we are seeking to determine whether relations with Cuba can be improved on a measured and a reciprocal basis.

I am dedicated to freedom of movement between nations. I have removed restrictions on U.S. citizens who want to travel abroad. Today there are no restrictions imposed by our country. Today I have also removed similar travel restrictions on resident aliens in the United States.

We seek to encourage international travel, and we must take greater account of problems that transcend national borders. Drugs and international crime, including terrorism, challenge traditional concepts of diplomacy. For the well-being of our peoples, we must cooperate on these issues. With each passing year they will occupy a more and more central place in our deliberations.

Constructive Role of the OAS

I have a longstanding interest in the OAS, and I very much want to see it play an increasingly constructive role.

The General Assembly of the OAS has been an important forum for the direct exchange of views among our governments. Such ministerial consultations are extremely useful. They allow us to apply our own collective strength to political and economic problems.

The Inter-American Commission on Human Rights has performed valuable services. It deserves increased support from all our governments. We believe deeply in the preservation and the enhancement of human rights, and the United States will work toward coordinated and multilateral action in this field. The United States will sign, and I will seek Senate approval of, the American Convention on Human Rights negotiated several years ago in Costa Rica. And we will support, in cooperation with international agencies, broadened programs for aiding political refugees. I urge this organization and all its member states to take a more active role in the care, protection, and the resettlement of political refugees.

The peacekeeping function is firmly embedded in the OAS Charter. I want to encourage the Secretary General of the OAS to continue his active and effective involvement in the search for peaceable solutions to several longstanding disputes in this hemisphere. The United States will support his efforts and initiatives.

The OAS, of course, is not the only instrument of cooperation among the nations of the Americas. The Inter-American Development Bank is among the most important multilateral mechanisms for promoting development of the world today. By bringing in nations outside the Western Hemisphere, the IDB bears testimony to Latin America's growing involvement with the rest of the world.

Within this hemisphere, many of you are working toward regional and subregional integration efforts, including those in the Caribbean, in the Central American Common Market, and the Andean Pact; and we favor such efforts. They are the first steps toward Bolivar's vision of a hemisphere united.

Let me conclude by bringing up a matter that is particularly close to me because of my long interest in inter-American affairs. My wife and I have traveled and made many friends in Mexico and Brazil, the two largest and most rapidly changing countries in Latin America. And we have traveled elsewhere and made many friends in Central and South America. My wife is presently studying Spanish, along with the wife of the Secretary of State, and I have tried to keep up with my own Spanish that I learned at school. I have seen clearly how greatly our country has been blessed and enriched by the people and cultures of the Caribbean and Latin America. And we are bound together—and I see it very clearly—in culture, history, and by common purposes and ideals.

The United States actually has the fourth largest Spanish-speaking population in the world. I tried to meet many of them during my campaign the last two years. And they gave me their support and their encouragement and their advice. The novels we read, the music we hear, the sports that we play—all reflect a growing consciousness of each other.

These intellectual, social, cultural, and educational exchanges will continue, either with or without government help. But there are steps that governments can take to speed up and enhance this process. In the months ahead, therefore, we plan to explore with your governments—individually and here in the OAS—new people-to-people programs, an increase in professional and scientific exchanges, and other ways of strengthening the ties that already link us.

The challenge we face is to awake our institutions to a changing world. We must focus our attention on the problems which face our countries and tailor each solution to its problem.

As you know, I am a new President. I've got a lot to learn. My heart and my interest to a major degree is in Latin America. I welcome every opportunity to strengthen the ties of friendship and a sense of common purpose and close consultation with the nations and the peoples of the Caribbean and Latin America.

Many of you are leaders representing your own governments. I ask for your advice and your counsel and your support as we face problems together in the future. This means a lot to our country, and it means a lot to us also to have intimate bilateral and direct relationships with you.

We look on the OAS, headquartered thankfully here in Washington, as a channel through which we might learn more and receive advice and make plans for the future.

Simón Bolivar believed that we would reach our goals only with our peoples free and our governments working in harmony. I hope that the steps that I have outlined today and the commitments that I have made will move us toward those goals of peace and freedom.

2. Tenth General Assembly of the OAS

Address before the Tenth General Assembly of the OAS,
Washington, D.C., November 19, 1980 *

10th General Assembly of the OAS

Following are the President's and the Secretary's addresses on November 19, 1980, before the 10th General Assembly of the Organization of American States (OAS) held in Washington, D.C., November 19–26.

PRESIDENT CARTER[1]

I speak to you today for the fifth time in an important forum in this hall and, despite considerable efforts to the contrary, I'm afraid also for the last time as President of the United States. I want to say how grateful I am for the privilege of working with all of you and the leaders of your nations. And I want to take a few minutes to assess what we have done together and to describe my own hopes for the future.

On my first visit to the Organization of American States, in April of 1977, I said that no single policy, no single slogan could encompass a region as diverse as ours. I spoke instead of certain principles, a belief in nonintervention and in the sovereignty of nations, a determination to work for human rights and for democracy, a common commitment to deal with global economic issues and to resolve regional political disputes. These principles have helped the United States make its contribution to the new and more balanced relationships that are emerging in our hemisphere.

After 4 years of practical experience, I'm more convinced than ever that the future we desire lies in recognizing yearnings that are common to individuals and to nations alike. As individuals the peoples of the Americas yearn for basic human rights. They desire personal liberty to be free from torture and arbitrary arrest; to participate in making the basic decisions that shape their own future; to have adequate food, health care, and education. And as part of the global community, every nation of the Americas has a desire and a right to help shape the future, not only of our own hemisphere but, indeed, the entire world.

Some would ignore or resist these treasured rights—the rights of individuals and the rights of nations. But the future lies with those who cherish them and who are willing to defend them. Let me speak briefly of the last 4 years.

Many here assisted in the negotiation and the ratification of the Panama Canal treaties. These treaties and their far-reaching impact will endure. They will endure because they are based on the mutual trust and the mutual respect that have been carefully, and sometimes painfully, forged by the people of a small nation and the people of a large nation. They will endure because they serve the interests of all who rely on the Panama Canal. They will endure because they epitomize the broadest possible commitment of my country to a new and a better relationship with the developing nations of the world. They will endure because the treaties serve the cause of peace.

Last month El Salvador and Honduras served the cause of harmony and progress resolving their decades-old border dispute. These two countries, working with former President Bustamante of Peru and with their own Secretary General, have earned the admiration and respect of all those who love peace.

The treaty of Tlatelolco, when completed, will forever ban nuclear weapons from Latin America. I'm proud to have signed protocol one of this treaty on behalf of the United States of America. It's imperative that the remaining nations of our hemisphere put aside their hesitation and join in this vital commitment to ban the spread of nuclear weapons and to set an example for other nations in other regions of the world.

In Nicaragua many of us have been working together to help that country heal its wounds. It's in the interest of all who care about freedom to help the Nicaraguan people chart a pluralistic course that ends bloodshed, respects human rights, and furthers democracy.

El Salvador continues to struggle against terrorists on the right who seek to restore an old tyranny and terrorists on the left who seek to create a new one. That struggle of theirs is ours as well. Their path, the peaceful path of stability and moderation, is precarious, but it's the only path that can lead to both liberty and justice. We must insist upon a strict policy of nonintervention as the people of these two nations design their own future.

For too long, the United States seemed wedded to the status quo—even when that meant a continuation of poverty, social injustice, and even political repression. That attitude betrayed my nation's dynamism and our faith and confidence in the future and that, thank God, has now been changed. We understand and support the necessity of peaceful and moderate political progress in Central America and elsewhere in this hemisphere.

Your governments, throughout the hemisphere, have also worked to improve the prospects for economic development. We've strengthened the Inter-American Development Bank and the World Bank. We've reduced trade barriers by expanding generalized tariff preferences and eliminating the discriminatory provision against Venezuela and Ecuador. We've worked to stablize commodity prices by a Common Fund and individual commodity agreements on sugar and coffee and cocoa. Regional cooperation has been invigorated—in the Andean pact, with the Caribbean group, and, most dramatically, with Venezuelan-Mexican assistance for the Caribbean basin. Through my own personal participation, and through the influence of my country, we have worked to strengthen and to expand the beneficial influence of this Organization of American States.

Progress on Human Rights

As all of you know, the cause that has been closest to my own heart is the cause of human rights. I'm convinced that a new conscience has been awakened. That conscience serves a concept of human rights that is not unique to any country, nor even just to this hemisphere, but is universal. In this hemisphere, since 1977, 13 countries have ratified the embodiment of that concept—the American Convention on Human Rights. This has brought the convention into force and has created an inter-American court to judge human rights violations. In addition, the Inter-American Commission on Human Rights is more effective today than it was 4 years ago. It deserves our strongest continuing moral and financial support.

Today, no government in this hemisphere can expect silent assent from its neighbors if it tramples the rights of its own citizens. The costs of repression have increased but so have the benefits of respecting human rights. I pray that this progress will continue, although I

*Source: U.S. Department of State Bulletin,
January, 1981

know from experience that progress is not always easy as we defend human rights.

Some claim that Jimmy Carter elevated human rights and democracy on the inter-American agenda and that the agenda will change when I leave my office. They are wrong. Hemispheric support for human rights is a historic movement—a movement that has been recognized this year in the Nobel peace prize. I take pride in being part of that movement. The cause of human rights will be all the stronger if it remains at the service of humanity, rather than at the service of ideological or partisan ends, and if it condemns both terrorism and repression.

In the phrase "human rights," the "rights" are important. The "human" is *very* important. As a citizen of the Americas, I'm deeply encouraged by the trend toward greater democratization. I'm heartened that in many countries, thousands of people who were political prisoners just 4 years ago are now free. Those who see a contradiction between our security and our humanitarian interests forget that the basis for a secure and a stable society is the bond of trust between a government and its own people.

The future of our hemisphere is not to be found in authoritarianism that wears the mask of common consent nor totalitarianism that wears the mask of justice. Instead, let us find our future in the human face of democracy—the human voice of individual liberty and the human hand of economic development. If we build on the best of what we have begun, we can see a better time at the end of this decade. We can see a time when longstanding disputes like Belize, Bolivian access to the sea, and the Beagle Channel dispute between Argentina and Chile have been settled in a spirit of cooperation and justice. We can see a time when the treaty of Tlatelolco has come into force and other regions have followed the lead of Latin America in banning nuclear weapons. We can see a time when human rights are no longer threatened by the violence of either governments or terrorists and when every government responds to the will of its people, expressed through democratic institutions. We can see a time when nations have cooperated, in the OAS and elsewhere, to develop just and fair ways of dealing with the migration of people, a time when no nation disregards the immigration laws of its neighbor and many nations offer a haven to the few who still need such a place to dwell. And we can see a time when today's aspirations for greater economic development and cooperation have become living realities through common action inspired by this body and its experts.

Let me conclude on a personal note. My interest in Latin America and the Caribbean and in human rights and in democracy did not begin 4 years ago. And my interest will not end on January the 20th, next year. I will continue to speak out for the universal ideals which are embodied in our hearts and in the American Convention on Human Rights. I will continue to work with you—my friends— to make this hemisphere and the world more just, more secure, and more free.

G. President Ronald Reagan (1981-1987)

1. Caribbean Basin Initiative

Address Before the Permanent Council of the Organization of American States. February 24, 1982

Mr. Chairman, distinguished permanent representatives, Mr. Secretary General, distinguished members of the diplomatic corps, ladies and gentlemen:

It's a great honor for me to stand before you today. The principles which the Organization of American States embodies—democracy, self-determination, economic development, and collective security—are at the heart of U.S. foreign policy. The United States of America is a proud member of this organization. What happens anywhere in the Americas affects us in this country. In

*Source: Weekly Compilation of Presidential Documents, 225. March 1, 1982, pp. 217 - 225.

that very real sense, we share a common destiny.

We, the peoples of the Americas, have much more in common than geographical proximity. For over 400 years our peoples have shared the dangers and dreams of building a new world. From colonialism to nationhood, our common quest has been for freedom.

Most of our forebears came to this hemisphere seeking a better life for themselves. They came in search of opportunity and, yes, in search of God. Virtually all descendants of the land and immigrants alike have had to fight for independence. Having gained it, they've had to fight to retain it. There were times when we even fought each other.

Gradually, however, the nations of this hemisphere developed a set of common principles and institutions that provided the basis for mutual protection. Some 20 years ago, John F. Kennedy caught the essence of our unique mission when he said it was up to the New World "to demonstrate that man's unsatisfied aspiration for economic progress and social justice can best be achieved by free men working within a framework of democratic institutions."

In the commitment to freedom and independence, the peoples of this hemisphere are one. In this profound sense, we are all Americans. Our principles are rooted in self-government and nonintervention. We believe in the rule of law. We know that a nation cannot be liberated by depriving its people of liberty. We know that a state cannot be free when its independence is subordinated to a foreign power. And we know that a government cannot be democratic if it refuses to take the test of a free election.

We have not always lived up to these ideals. All of us at one time or another in our history have been politically weak, economically backward, socially unjust, or unable to solve our problems through peaceful means. My own country, too, has suffered internal strife, including a tragic civil war. We have known economic misery, and once tolerated racial and social injustice. And, yes, at times we have behaved arrogantly and impatiently toward our neighbors. These experiences have left their scars, but they also help us today to identify with the struggle for political and economic development in the other countries of this hemisphere.

Out of the crucible of our common past, the Americas have emerged as more equal and more understanding partners. Our hemisphere has an unlimited potential for economic development and human fulfillment. We have a combined population of more than 600 million people; our continents and our islands boast vast reservoirs of food and raw materials; and the markets of the Americas have already produced the highest standard of living among the advanced as well as the developing countries of the world. The example that we could offer to the world would not only discourage foes; it would project like a beacon of hope to all of the oppressed and impoverished nations of the world. We are the New World, a world of sovereign and independent states that today stand shoulder to shoulder with a common respect for one another and a greater tolerance of one another's shortcomings.

Some 2 years ago, when I announced as a candidate for the Presidency, I spoke of an ambition I had to bring about an accord with our two neighbors here on the North American continent. Now, I was not suggesting a common market or any kind of formal arrangement. "Accord" was the only word that seemed to fit what I had in mind.

I was aware that the United States has long enjoyed friendly relations with Mexico and Canada, that our borders have no fortifications. Yet it seemed to me that there was a potential for a closer relationship than had yet been achieved. Three great nations share the North American continent with all its human and natural resources. Have we done all we can to create a relationship in which each country can realize its potential to the fullest?

Now, I know in the past the United States has proposed policies that we declared would be mutually beneficial not only for North America but also for the nations of the Caribbean and Central and South America. But there was often a problem. No matter how good our intentions were, our very size may have made it seem that we were exercising a kind of paternalism. At the time I suggested a new North

American accord, I said I wanted to approach our neighbors not as someone with yet another plan, but as a friend seeking their ideas, their suggestions as to how we could become better neighbors.

I met with President López Portillo in Mexico before my inauguration and with Prime Minister Trudeau in Canada shortly after I had taken office. We have all met several times since—in the United States, in Mexico and Canada—and I believe that we have established a relationship better than any our three countries have ever known before.

Today I would like to talk about our other neighbors—neighbors by the sea—some two dozen countries of the Caribbean and Central America. These countries are not unfamiliar names from some isolated corner of the world far from home. They're very close to home. The country of El Salvador, for example, is nearer to Texas than Texas is to Massachusetts. The Caribbean region is a vital strategic and commercial artery for the United States. Nearly half of our trade, two-thirds of our imported oil, and over half of our imported strategic minerals pass through the Panama Canal or the Gulf of Mexico. Make no mistake: The well-being and security of our neighbors in this region are in our own vital interest.

Economic health is one of the keys to a secure future for our Caribbean Basin and to the neighbors there. I'm happy to say that Mexico, Canada, and Venezuela have joined in this search for ways to help these countries realize their economic potential.

Each of our four nations has its own unique position and approach. Mexico and Venezuela are helping to offset energy costs to Caribbean Basin countries by means of an oil facility that is already in operation. Canada is doubling its already significant economic assistance. We all seek to ensure that the people of this area have the right to preserve their own national identities, to improve their economic lot, and to develop their political institutions to suit their own unique social and historical needs. The Central American and Caribbean countries differ widely in culture, personality, and needs. Like America itself, the Caribbean Basin is an extraordinary mosaic of Hispanics, Africans, Asians, and Europeans, as well as native Americans.

At the moment, however, these countries are under economic siege. In 1977, 1 barrel of oil was worth 5 pounds of coffee or 155 pounds of sugar. Well, to buy that same barrel of oil today, these small countries must provide 5 times as much coffee—nearly 26 pounds—or almost twice as much sugar—283 pounds. This economic disaster is consuming our neighbors' money, reserves, and credit, forcing thousands of people to leave for other countries, for the United States, often illegally, and shaking even the most established democracies. And economic disaster has provided a fresh opening to the enemies of freedom, national independence, and peaceful development.

We've taken the time to consult closely with other governments in the region, both sponsors and beneficiaries, to ask them what they need and what they think will work. And we've labored long to develop an economic program that integrates trade, aid, and investment—a program that represents a long-term commitment to the countries of the Caribbean and Central America to make use of the magic of the marketplace, the market of the Americas, to earn their own way toward self-sustaining growth.

At the Cancún Summit last October, I presented a fresh view of a development which stressed more than aid and government intervention. As I pointed out then, nearly all of the countries that have succeeded in their development over the past 30 years have done so on the strength of market-oriented policies and vigorous participation in the international economy. Aid must be complemented by trade and investment.

The program I'm proposing today puts these principles into practice. It is an integrated program that helps our neighbors help themselves, a program that will create conditions under which creativity and private entrepreneurship and self-help can flourish. Aid is an important part of this program, because many of our neighbors need it to put themselves in a starting position from which they can begin to earn their own way. But this aid will encourage private-sector activities, not displace them.

The centerpiece of the program that I am sending to the Congress is free trade for Caribbean Basin products exported to the United States. Currently some 87 percent of Caribbean exports already enter U.S. markets duty free under the Generalized System of Preferences. These exports, however, cover only the limited range of existing products—not the wide variety of potential products these talented and industrious peoples are capable of producing under the free-trade arrangement that I am proposing.

Exports from the area will receive duty-free treatment for 12 years. Thus, new investors will be able to enter the market knowing that their products will receive duty-free treatment for at least the pay-off lifetime of their investments. Before granting duty-free treatment, we will discuss with each country its own self-help measures.

The only exception to the free trade concept will be textile and apparel products, because these products are covered now by other international agreements. However, we will make sure that our immediate neighbors have more liberal quota arrangements.

This economic proposal is as unprecedented as today's crisis in the Caribbean. Never before has the United States offered a preferential trading arrangement to any region. This commitment makes unmistakably clear our determination to help our neighbors grow strong.

The impact of this free-trade approach will develop slowly. The economies that we seek to help are small. Even as they grow, all the protections now available to U.S. industry, agriculture, and labor against disruptive imports will remain. And growth in the Caribbean will benefit everyone with American exports finding new markets.

Secondly, to further attract investment, I will ask the Congress to provide significant tax incentives for investment in the Caribbean Basin. We also stand ready to negotiate bilateral investment treaties with interested Basin countries.

Third, I'm asking for a supplemental fiscal year 1982 appropriation of $350 million to assist those countries which are particularly hard hit economically. Much of this aid will be concentrated on the private sector. These steps will help foster the spirit of enterprise necessary to take advantage of the trade and investment portions of the program.

Fourth, we will offer technical assistance and training to assist the private sector in the Basin countries to benefit from the opportunities of this program. This will include investment promotion, export marketing, and technology transfer efforts, as well as programs to facilitate adjustments to greater competition and production in agriculture and industry. I intend to seek the active participation of the business community in this joint undertaking. The Peace Corps already has 861 volunteers in Caribbean Basin countries and will give special emphasis to recruiting volunteers with skills in developing local enterprise.

Fifth, we will work closely with Mexico, Canada, and Venezuela, all of whom have already begun substantial and innovative programs of their own, to encourage stronger international efforts to coordinate our own development measures with their vital contributions, and with those of other potential donors like Colombia. We will also encourage our European, Japanese, and other Asian allies, as well as multilateral development institutions, to increase their assistance in the region.

Sixth, given our special valued relationship with Puerto Rico and the United States Virgin Islands, we will propose special measures to ensure that they also will benefit and prosper from this program. With their strong traditions of democracy and free enterprise, they can play leading roles in the development of the area.

This program has been carefully prepared. It represents a farsighted act by our own people at a time of considerable economic difficulty at home. I wouldn't propose it if I were not convinced that it is vital to the security interests of this Nation and of this hemisphere. The energy, the time, and the treasure we dedicate to assisting the development of our neighbors now can help to prevent the much larger expenditures of treasure as well as human lives which would flow from their collapse.

One early sign is positive. After a decade of falling income and exceptionally high unemployment, Jamaica's new leadership is reducing bureaucracy, dismantling unworkable controls, and attracting new investment. Continued outside assistance will be needed to tide Jamaica over until market forces generate large increases in output and employment—but Jamaica is making freedom work.

I've spoken up to now mainly of the economic and social challenges to development. But there are also other dangers. A new kind of colonialism stalks the world today and threatens our independence. It is brutal and totalitarian. It is not of our hemisphere, but it threatens our hemisphere and has established footholds on American soil for the expansion of its colonialist ambitions.

The events of the last several years dramatize two different futures which are possible for the Caribbean area: either the establishment or restoration of moderate, constitutional governments with economic growth and improved living standards, or further expansion of political violence from the extreme left and the extreme right, resulting in the imposition of dictatorships and, inevitably, more economic decline and human suffering.

The positive opportunity is illustrated by the two-thirds of the nations in the area which have democratic governments. The dark future is foreshadowed by the poverty and repression of Castro's Cuba, the tightening grip of the totalitarian left in Grenada and Nicaragua, and the expansion of Soviet-backed, Cuban-managed support for violent revolution in Central America.

The record is clear. Nowhere in its whole sordid history have the promises of communism been redeemed. Everywhere it has exploited and aggravated temporary economic suffering to seize power and then to institutionalize economic deprivation and suppress human rights. Right now, 6 million people worldwide are refugees from Communist systems. Already, more than a million Cubans alone have fled Communist tyranny.

Our economic and social program cannot work if our neighbors cannot pursue their own economic and political future in peace, but must divert their resources, instead, to fight imported terrorism and armed attack. Economic progress cannot be made while guerrillas systematically burn, bomb, and destroy bridges, farms, and power and transportation systems—all with the deliberate intention of worsening economic and social problems in hopes of radicalizing already suffering people.

Our Caribbean neighbors' peaceful attempts to develop are feared by the foes of freedom, because their success will make the radical message a hollow one. Cuba and its Soviet backers know this. Since 1978 Havana has trained, armed, and directed extremists in guerrilla warfare and economic sabotage as part of a campaign to exploit troubles in Central America and the Caribbean. Their goal is to establish Cuban-style, Marxist-Leninist dictatorships.

Last year, Cuba received 66,000 tons of war supplies from the Soviet Union—more than in any year since the 1962 missile crisis. Last month, the arrival of additional high performance MIG–23 Floggers gave Cuba an arsenal of more than 200 Soviet warplanes—far more than the military aircraft inventories of all other Caribbean Basin countries combined.

For almost 2 years, Nicaragua has served as a platform for covert military action. Through Nicaragua, arms are being smuggled to guerrillas in El Salvador and Guatemala. The Nicaraguan Government even admits the forced relocation of about 8,500 Miskito Indians. And we have clear evidence that since late 1981, many Indian communities have been burned to the ground and men, women, and children killed.

The Nicaraguan junta cabled written assurances to the OAS in 1979 that it intended to respect human rights and hold free elections. Two years later, these commitments can be measured by the postponement of elections until 1985, by repression against free trade unions, against the media, minorities, and in defiance of all international civility, by the continued export of arms and subversion to neighboring countries.

Two years ago, in contrast, the Government of El Salvador began an unprecedented land reform. It has repeatedly urged the guerrillas to renounce violence, to join in the democratic process, an election in which the people of El Salvador could determine the government they prefer. Our own country and other American nations through the OAS have urged such a course. The guerrillas have refused. More than that, they now threaten violence and death to those who participate in such an election.

Can anything make more clear the nature of those who pretend to be supporters of so-called wars of liberation?

A determined propaganda campaign has sought to mislead many in Europe and certainly many in the United States as to the true nature of the conflict in El Salvador. Very simply, guerrillas, armed and supported by and through Cuba, are attempting to impose a Marxist-Leninist dictatorship on the people of El Salvador as part of a larger imperialistic plan. If we do not act promptly and decisively in defense of freedom, new Cubas will arise from the ruins of today's conflicts. We will face more totalitarian regimes tied militarily to the Soviet Union—more regimes exporting subversion, more regimes so incompetent yet so totalitarian that their citizens' only hope becomes that of one day migrating to other American nations, as in recent years they have come to the United States.

I believe free and peaceful development of our hemisphere requires us to help governments confronted with aggression from outside their borders to defend themselves. For this reason, I will ask the Congress to provide increased security assistance to help friendly countries hold off those who would destroy their chances for economic and social progress and political democracy. Since 1947 the Rio Treaty has established reciprocal defense responsibilities linked to our common democratic ideals. Meeting these responsibilities is all the more important when an outside power supports terrorism and insurgency to destroy any possibility of freedom and democracy. Let our friends and our adversaries understand that we will do whatever is prudent and necessary to ensure the peace and security of the Caribbean area.

In the face of outside threats, security for the countries of the Caribbean and Central American area is not an end in itself, but a means to an end. It is a means toward building representative and responsive institutions, toward strengthening pluralism and free private institutions—churches, free trade unions, and an independent press. It is a means to nurturing the basic human rights freedom's foes would stamp out. In the Caribbean we above all seek to protect those values and principles that shape the proud heritage of this hemisphere.

I have already expressed our support for the coming election in El Salvador. We also strongly support the Central American Democratic Community formed this January by Costa Rica, Honduras, and El Salvador. The United States will work closely with other concerned democracies inside and outside the area to preserve and enhance our common democratic values.

We will not, however, follow Cuba's lead in attempting to resolve human problems by brute force. Our economic assistance, including the additions that are part of the program I've just outlined, is more than five times the amount of our security assistance. The thrust of our aid is to help our neighbors realize freedom, justice, and economic progress.

We seek to exclude no one. Some, however, have turned from their American neighbors and their heritage. Let them return to the traditions and common values of this hemisphere, and we all will welcome them. The choice is theirs.

As I have talked these problems over with friends and fellow citizens here in the United States, I'm often asked, "Well, why bother? Why should the problems of Central America or the Caribbean concern us? Why should we try to help?" Well, I tell them we must help, because the people of the Caribbean and Central America are in a fundamental sense fellow Americans. Freedom is our common destiny. And freedom cannot survive if our neighbors live in misery and oppression. In short, we must do it because we're doing it for each other.

Our neighbors' call for help is addressed to us all here in this country—to the administration, to the Congress, to millions of Americans from Miami to Chicago, from New York to Los Angeles. This is not Washington's problem; it is the problem of all the people of this great land and of all the other Americas—the great and sovereign republics of North America, the Caribbean Basin, and South America. The Western Hemisphere does not belong to any one of us; we belong to the Western Hemisphere. We are brothers historically as well as geographically.

Now, I'm aware that the United States has pursued good neighbor policies in the past. These policies did some good, but they're inadequate for today. I believe that my country is now ready to go beyond being a good neighbor to being a true friend and brother in a community that belongs as much to others as to us. That, not guns, is the ultimate key to peace and security for us all.

We have to ask ourselves why has it taken so long for us to realize the God-given opportunity that is ours. These two great land masses north and south, so rich in virtually everything we need—together our more than 600 million people can develop what is undeveloped, can eliminate want and poverty, can show the world that our many nations can live in peace, each with its own customs and language and culture, but sharing a love for freedom and a determination to resist outside ideologies that would take us back to colonialism.

We return to a common vision. Nearly a century ago a great citizen of the Caribbean and the Americas, José Martí, warned that, "Mankind is composed of two sorts of men, those who love and create and those who hate and destroy." Today more than ever the compassionate, creative peoples of the Americas have an opportunity to stand together, to overcome injustice, hatred, and oppression, and to build a better life for all the Americas.

I have always believed that this hemisphere was a special place with a special destiny. I believe we are destined to be the beacon of hope for all mankind. With God's help, we can make it so. We can create a peaceful, free, and prospering hemisphere based on our shared ideals and reaching from pole to pole of what we proudly call the New World.

Thank you.

Note: The President spoke at 12:37 p.m. in the Hall of the Americas at the Organization of American States Building. He was introduced by Ambassador Victor C. McIntyre of Trinidad and Tobago.

The address was broadcast live over the Voice of America system.

2. Why Democracy Matters in Central America
Address to the Nation, June 24, 1986*

Why Democracy Matters in Central America

'President Reagan's address to the nation on June 24, 1986.[1]

My fellow citizens, the matter that brings me before you today is a grave one and concerns my most solemn duty as President. It is the cause of freedom in Central America and the national security of the United States. Tomorrow, the House of Representatives will debate and vote on this issue. I had hoped to speak directly and at this very hour to Members of the House of Representatives on this subject but was unable to do so. Because I feel so strongly about what I have to say, I've asked for this time to share with you—and Members of the House—the message I would have otherwise given.

Nearly 40 years ago a Democratic President, Harry Truman, went before the Congress to warn of another danger to democracy, a civil war in a faraway country in which many Americans could perceive no national security interest.

Some of you can remember the world then. Europe lay devastated. One by one, the nations of Eastern Europe had fallen into Stalin's grip. The democratic Government of Czechoslovakia would soon be overthrown. Turkey was threatened, and in Greece, the home of democracy, communist guerrillas, backed by the Soviet Union, battled democratic forces to decide the nation's fate.

Most Americans did not perceive this distant danger, so the opinion polls reflected little of the concern that brought Harry Truman to the well of the House that day. But go he did. And it is worth a moment to reflect on what he said.

In a hushed chamber, Mr. Truman said that we had come to a time in history when every nation would have to choose between two opposing ways of life. One way was based on the will of the majority—on free institutions and human rights. "The second way of life," he said, "is based upon the will of a minority forcibly imposed upon the majority. It relies upon terror and oppression, a controlled press and radio, fixed elections and the suppression of personal freedoms. I believe," President Truman said, "that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures."

When Harry Truman spoke, Congress was controlled by the Republican Party. But that Congress put America's interest first and supported Truman's request for military aid to Greece and Turkey—just as 4 years ago Congress put America's interest first by supporting my request for military aid to defend democracy in El Salvador.

The Threat to Democracy

I speak today in that same spirit of bipartisanship. My fellow Americans and Members of the House, I need your help. I ask first for your help in remembering—remembering our history in Central America so we can learn from the mistakes of the past. Too often in the past the United States failed to identify with the aspirations of the people of Central America for freedom and a better life. Too often our government appeared indifferent when democratic values were at risk. So we took the path of least resistance and did nothing.

Today, however, with American support, the tide is turning in Central America. In El Salvador, Honduras, Costa Rica—and now in Guatemala—freely elected governments offer their people the chance for a better future, a future the United States must support.

But there's one tragic, glaring exception to that democratic tide—the communist Sandinista government in Nicaragua. It is tragic because the United States extended a generous hand of friendship to the new revolutionary government when it came to power in 1979. Congress voted $75 million in economic aid. The United States helped renegotiate Nicaragua's foreign debt. America offered teachers, doctors, and Peace Corps volunteers to help rebuild the country. But the Sandinistas had a different agenda.

From the very first day, a small clique of communists worked steadily to consolidate power and squeeze out their democratic allies. The democratic trade unionists who had fought Somoza's National Guard in the streets were now told by the Sandinistas that the right to strike was illegal and that their revolutionary duty was to produce more for the state.

The newspaper *La Prensa*, whose courage and determination had inspired so much of the Nicaraguan revolution, found its pages censored and suppressed. Violeta Chamorro, widow of the assassinated editor, soon quit the revolutionary government to take up the struggle for democracy again in the pages of her newspaper.

The leader of the Catholic Church in Nicaragua, Archbishop—now Cardinal—Obando y Bravo, who had negotiated the release of the Sandinista leaders from prison during the revolution, was now vilified as a traitor by the very men he helped to free.

Soviet arms and bloc personnel began arriving in Nicaragua. With Cuban, East German, and Bulgarian advisers at their side, the Sandinistas began to build the largest standing army in Central American history and to erect all the odious apparatus of the modern police state.

Under the Somoza dictatorship, a single facility held all political prisoners. Today, there are eleven—11 prisons in place of one.

The Sandinistas claim to defend Nicaraguan independence. But you and I know the truth. The proud people of Nicaragua did not rise up against Somoza—and struggle, fight, and die—to have Cubans, Russians, Bulgarians, East Germans, and North Koreans running their prisons, organizing their army, censoring their newspapers, and suppressing their religious faith. One Nicaraguan nationalist, who fought in the revolution, says: "We are an occupied country today."

I could go on, but I know that even the Administration's harshest critics in Congress hold no brief for Sandinista repression. Indeed, the final verdict has already been written by Cardinal Obando himself in the *Washington Post*. Listen carefully to the Cardinal's words. He says: that the Sandinista regime "is a democratic government, legitimately constituted, which seeks the welfare and peace of the people and enjoys the support of the overwhelming majority" is not true. To accept this as true, the Cardinal says, "is to ignore the mass exodus of the Miskito Indians, the departure of tens of thousands of Nicaraguan men and women of every age, profession, economic status, and political persuasion. It is to ignore the most terrible violation of freedom of the press and of speech in the history of our country, the expulsion of priests and the mass exodus of young people eligible for military service." As for the Catholic

*Source: Department of State Bulletin, September 1986, pp. 18-21.

Church in Nicaragua, we have been "gagged and bound," the Cardinal says.

Many brave Nicaraguans have stayed in their country despite mounting repression—defying the security police, defying the Sandinista mobs that attack and deface their homes. Thousands—peasants, Indians, devout Christians, draftees from the Sandinista army—have concluded that they must take up arms again to fight for the freedom they thought they had won in 1979.

The young men and women of the democratic resistance fight inside Nicaragua todav in grueling mountain and jungle warfare. They confront a Soviet-equipped army, trained and led by Cuban officers. They face murderous helicopter gunships without any means of defense. And still they volunteer. And still their numbers grow.

Who among us would tell these brave young men and women: "Your dream is dead; your democratic revolution is over; you will never live in the free Nicaragua you fought so hard to build?"

The Sandinistas call these freedom fighters *contras*—for "counterrevolutionaries." But the real counterrevolutionaries are the Sandinista *comandantes*, who betrayed the hopes of the Nicaraguan revolution and sold out their country to the Soviet empire.

The *comandantes* even betrayed the memory of the Nicaraguan rebel leader Sandino, whose legacy they falsely claim. For the real Sandino—because he was a genuine nationalist—was opposed to communism. In fact, Sandino broke with the Salvadoran communist leader, Farabundo Marti, over this very issue.

The true Nicaraguan nationalists are the leaders of the United Nicaraguan Opposition: Arturo Cruz—jailed by Somoza, a former member of the Sandinista government; Adolfo Calero—who helped organize a strike of businessmen to bring Somoza down; and Alfonso Robelo—a social democrat and once a leader of the revolutionary government.

These good men refused to make any accommodation with the Somoza dictatorship. Who among us can doubt their commitment to bring democracy to Nicaragua?

U.S. Vital Interests

So, the Nicaraguan people have chosen to fight for their freedom. Now we Americans must also choose. For you and I and every American have a stake in this struggle.

Central America is vital to our own national security, and the Soviet Union knows it. The Soviets take the long view, but their strategy is clear: to dominate the strategic sealanes and vital chokepoints around the world.

Half of America's imports and exports, including oil, travels through the area today. In a crisis, over half of NATO's supplies would pass through this region. And Nicaragua, just 277 miles from the Panama Canal, offers the Soviet Union ports on both the Atlantic and Pacific Oceans.

The Soviet Union already uses Cuba as an air and submarine base in the Caribbean. It hopes to turn Nicaragua into the first Soviet base on the mainland of North America. If you doubt it, ask yourself: why have the last four Soviet leaders—with a mounting economic crisis at home—already invested over $1 billion and dispatched thousands of Soviet-bloc advisers into a tiny country in Central America?

I know that no one in Congress wants to see Nicaragua become a Soviet military base. My friends, I must tell you in all seriousness, Nicaragua is becoming a Soviet base every day that we debate and debate and debate—and do nothing.

In the 3 months since I last asked for the House to aid the democratic resistance, four military cargo ships have arrived at Nicaraguan ports, this time directly from the Soviet Union. Recently we have learned that Russian pilots are flying a Soviet AN-30 reconnaissance plane for the Sandinistas.

Now, the Sandinistas claim this is just for making civilian maps. Well, our intelligence services believe this could be the first time Soviet personnel have taken a direct role in support of military operations on the mainland of North America.

Think again how Cuba became a Soviet air and naval base. You'll see what Nicaragua will look like if we continue to do nothing. Cuba became a Soviet base gradually over many years. There was no single dramatic event—once the missile crisis passed—that captured the nation's attention. And so it will be with Nicaragua.

The Sandinistas will widen and deepen another port while we debate: is it for commercial vessels or Soviet submarines? The Sandinistas will complete another airstrip while we argue: is it for 707s or Backfire bombers? A Soviet training brigade will come to Nicaragua; half will leave and half will stay. And we will debate: are they soldiers or engineers?

Eventually, we Americans have to stop arguing among ourselves. We will have to confront the reality of a Soviet military beachhead inside our defense perimeters—about 500 miles from Mexico. A future President and Congress will then face nothing but bad choices, followed by worse choices.

My friends in the House, for over 200 years the security of the United States has depended on the safety of unthreatened borders, north and south. Do we want to be the first elected leaders in U.S. history to put our borders at risk?

Some of you may say, well, this is fearmongering. Such a danger to our security will never come to pass. Well, perhaps it won't. But in making your decisions on my request for aid tomorrow, consider this: what are the consequences for our country if you're wrong?

The Democratic Resistance: Popular Support and the Need for U.S. Aid

I know some Members of Congress who share my concern about Nicaragua have honest questions about my request for aid to the democratic resistance. Let me try to address them. Do the freedom fighters have the support of the Nicaraguan people? I urge Members of the House to ask their colleague, the Chairman [Les Aspin] of the House Armed Services Committee, who recently visited a town in Nicaragua that was a Sandinista stronghold during the revolution. He heard peasants, trade unionists, farmers, workers, students, and shopkeepers all call on the United States to aid the armed recistance.

Or listen to the report from *Time* magazine of Central American scholar Robert Leiken, who once had hopes for the Sandinista revolution. He says, "I have gone to a number of towns in Nicaragua where I have found that the youth are simply not there. I ask the parents where they've gone, and they say, they've gone off to join the *contras*." In Managua, Leiken reports 250 Nicaraguans stood on a breadline for 3 hours. "Who is responsible for this?" he asked. "The Sandinistas are responsible. The Sandinistas." That's what the people said. "The Sandinistas," Leiken concluded, "have not only lost support, I think they are detested by the population."

Can the democratic forces win? Consider there are 20 times as many Nicaraguans fighting the Sandinista dictatorship today as there were Sandinista fighters a year before Somoza fell. This is the largest peasant army raised in Latin America in more than 50 years. And thousands more are waiting to volunteer if American support comes through.

Some Members of Congress—and I know some of you—fear that military aid to the democratic resistance will be only the first step down the slippery slope toward another Vietnam. Now, I know those fears are honest. But think where we heard them before. Just a few years ago, some argued in Congress that U.S. military aid to El Salvador would lead inevitably to the involvement of U.S. combat troops. But the opposite turned out to be true.

Had the United States failed to provide aid then, we might well be facing the final communist takeover of El Salvador and mounting pressures to intervene. Instead, with our aid, the Government of El Salvador is winning the war, and there is no prospect whatever of American military involvement.

El Salvador still faces serious problems that require our attention. But democracy there is stronger, and both the communist guerrillas and the right-wing death squads are weaker. And Congress shares credit for that accomplishment. American aid and training are helping the Salvadoran Army become a professional fighting force, more respectful of human rights. With our aid we can help the Nicaraguan resistance accomplish the same goal.

I stress this point because I know many Members of Congress and many Americans are deeply troubled by allegations of abuses by elements of the armed resistance. I share your concerns. Even though some of those charges are Sandinista propaganda, I believe such abuses have occurred in the past, and they are intolerable.

As President, I repeat to you the commitments I made to Senator Sam Nunn. As a condition of our aid, I will insist on civilian control over all military forces; that no human rights abuses are tolerated; that any financial corruption be rooted out; that American aid go only to those committed to democratic principles. The United States will not permit this democratic revolution to be betrayed nor allow a return to the hated repression of the Somoza dictatorship.

The leadership of the United Nicaraguan Opposition shares these commitments, and I welcome the appointment of a bipartisan congressional commission to help us see that they are carried out.

U.S. Policy Goals

Some ask: what are the goals of our policy toward Nicaragua? They are the goals the Nicaraguan people set for themselves in 1979: democracy, a free economy, and national self-determination. Clearly the best way to achieve these goals is through a negotiated settlement. No humane person wants to see suffering and war.

The leaders of the internal opposition and the Catholic Church have asked for dialogue with the Sandinistas. The leaders of the armed resistance have called for a cease-fire and negotiations at any time, in any place. We urge the Sandinistas to heed the pleas of the Nicaraguan people for a peaceful settlement.

The United States will support any negotiated settlement or Contadora treaty that will bring real democracy to Nicaragua. What we will not support is a paper agreement that sells out the Nicaraguan people's right to be free. That kind of agreement would be unworthy of us as a people. And it would be a false bargain. For internal freedom in Nicaragua and the security of Central America are indivisible. A free and democratic Nicaragua will pose no threat to its neighbors or to the United States. A communist Nicaragua, allied with the Soviet Union, is a permanent threat to us all.

President Azcona of Honduras emphasized this point in a recent nationwide address:

> As long as there is a totalitarian regime in Central America that has expansionist ambitions and is supported by an enormous military apparatus. . .the neighboring countries sharing common borders with the country that is the source of the problem will be under constant threat.

If you doubt his warning, consider this: the Sandinistas have already sent two groups of communist guerrillas into Honduras. Costa Rican revolutionaries are already fighting alongside Sandinista troops.

My friends in the Congress, with democracy still a fragile root in Central America—with Mexico undergoing an economic crisis—can we responsibly ignore the long-term danger to American interests posed by a communist Nicaragua, backed by the Soviet Union, and dedicated—in the words of its own leaders—to a "revolution without borders"?

Keeping Faith With a Commitment to Freedom

My friends, the only way to bring true peace and security to Central America is to bring democracy to Nicaragua. And the only way to get the Sandinistas to negotiate seriously about democracy is to give them no other alternative. Seven years of broken pledges, betrayals, and lies have taught us that.

And that's why the measure the House will consider tomorrow—offered, I know, in good faith—which prohibits military aid for at least another 3 months, and perhaps forever, would be a tragic mistake. It would not bring the Sandinistas to the bargaining table—just the opposite.

The bill, unless amended, would give the Sandinistas and the Soviet Union what they seek most—time: time to crush the democratic resistance, time to consolidate power. And it would send a demoralizing message to the democratic resistance: that the United States is too divided and paralyzed to come to their aid in time.

Recently, I read the words of a leader of the internal democratic opposition. What he said made me feel ashamed. This man has been jailed, his property confiscated, and his life threatened by the security police. Still he continues to fight. And he said:

> You Americans have the strength, the opportunity, but not the will. We want to struggle, but it is dangerous to have friends like you—to be left stranded on the landing beaches of the Bay of Pigs. Either help us or leave us alone.

My friends in the House of Representatives, I urge you to send a message tomorrow to this brave Nicaraguan and thousands like him. Tell them it is not dangerous to have friends like us. Tell them America stands with those who stand in defense of freedom.

When the Senate voted earlier this year for military aid, Republicans were joined by many Democratic leaders: Bill Bradley of New Jersey, Sam Nunn of Georgia, David Boren of Oklahoma, Howell Heflin of Alabama, Lloyd Bentsen of Texas, Bennett Johnston and Russell Long of Louisiana, Fritz Hollings of South Carolina, John Stennis of Mississippi, and Alan Dixon of Illinois.

Today, I ask the House for that kind of bipartisan support for the amendment to be offered tomorrow by Democrats Ike Skelton of Missouri and Richard Ray of Georgia and Republicans Mickey Edwards of Oklahoma and Rod

Chandler of Washington. This bipartisan amendment will provide the freedom fighters with what they need—now.

With that amendment, you also send another message to Central America. For democracy there faces many enemies: poverty, illiteracy, hunger, and despair. And the United States must also stand with the people of Central America against these enemies of democracy.

And that's why—just as Harry Truman followed his request for military aid to Greece and Turkey with the Marshall Plan—I urge Congress to support $300 million in new economic aid to the Central American democracies.

The question before the House is not only about the freedom of Nicaragua and the security of the United States but who we are as a people. President Kennedy wrote on the day of his death that history had called this generation of Americans to be "watchmen on the walls of world freedom." A Republican President, Abraham Lincoln, said much the same thing on the way to his inauguration in 1861. Stopping in Philadelphia, Lincoln spoke in Independence Hall, where our Declaration of Independence had been signed. He said far more had been achieved in that hall than just American independence from Britain. Something permanent--something unalterable—had happened. He called it: "Hope to the world for all future time."

Hope to the world for all future time—in some way, every man, woman, and child in our world is tied to those events at Independence Hall, to the universal claim to dignity, to the belief that all human beings are created equal, that all people have a right to be free.

We Americans have not forgotten our revolutionary heritage. But sometimes it takes others to remind us of what we ourselves believe. Recently, I read the words of a Nicaraguan bishop, Pablo Vega, who visited Washington a few weeks ago. Somoza called Pablo Vega the "communist bishop." Now, the Sandinistas revile him as "the *contra* bishop." But Pablo Vega is really a humble man of God. "I am saddened," the good bishop said, "that so many North Americans have a vision of democracy that has only to do with materialism." The Sandinistas "speak of human rights as if they were talking of the rights of a child—the right to receive from the bountifulness of the state—but even the humblest *campesino* knows what it means to have the right to act. We are defending," Pablo Vega said, "the right of man to be."

Well, Reverend Father, we hear you. For we Americans believe with you that even the humblest *campesino* has the right to be free. My fellow citizens, Members of the House, let us not take the path of least resistance in Central America again. Let us keep faith with these brave people struggling for their freedom. Give them, give me, your support; and together, let us send this message to the world: that America is still a beacon of hope, still a light unto the nations. A light that casts its glow across the land and our continent and even back across the centuries—keeping faith with a dream of long ago.

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[1] Text from Weekly Compilation of Presidential Documents of June 23, 1986. ■

3. Promoting Freedom and Democracy in Central America
Address Before the American Newspaper Publishers Association at Ellis Island, New York, May 3, 1987*

Promoting Freedom and Democracy in Central America

President Reagan's address before the American Newspaper Publishers Association at Ellis Island, New York, on May 3, 1987.[1]

It's a great honor to be here with you on this, the 100th anniversary of your convention. The truth is, it's always a great pleasure to be addressing something older than I am. I'm beginning to feel right at home here in New York Harbor. Last year, of course, we celebrated another centenary—that of the Statue of Liberty—the generous lady who, for 100 years now, has stood watch over this gateway to freedom. It couldn't be more appropriate that, a year later, we gather here on Ellis Island to celebrate with all of you, the ladies and gentlemen of the fourth estate, who also have stood watch over our freedoms and who have been the guardians of our liberty.

You all know what Thomas Jefferson said of the press—that given the choice of a government without newspapers or newspapers without a government, he wouldn't hesitate for a second to choose the latter. Of course, Jefferson said that before he became President.

You know, it reminds me of a particular editor who just wouldn't admit to any mistakes ever in his paper. Everything in his paper had the weight of scripture. And then early one morning he received a call from an outraged subscriber who protested that his name was listed in that morning's obituary section as having died the previous day. And the editor said, "And where did you say you were calling from?"

Well, of course, presidents aren't always entirely objective themselves, like Harry Truman when he read the reviews of Margaret's recital. And then Bill Moyers likes to tell the story of one day at lunch with President Johnson. Bill was saying grace when Johnson bellowed, "Speak up, Bill, I can't hear a darn thing." And Bill looked up and said, "I wasn't addressing you, Mr. President." The fact is, if those of us in government and the press sometimes think of ourselves as antagonists, it's only in the context of transitory events. The rush of daily business can obscure for us a deeper truth—that we're two complementary institutions, each drawing life and strength from the other and that together we hold the sacred trust of democratic government and freedom. The life and hope of liberty in an all-too-often threatening world—that is our solemn responsibility.

Mr. Jefferson also wrote that the truth of human liberty is self-evident, but he knew its success was anything but so. It was only the courage and the will of free men that gave freedom a chance, and, once established, it was only their continuing dedication that kept freedom alive and allowed it to prosper.

The Dream of Freedom

That dream of freedom has a special meaning to us today as we gather here on Ellis Island, beneath the gaze of Miss Liberty. It would be easy to come here and tell once more the story of those who have passed through these gates, to simply celebrate once again the freedoms Americans enjoy. But my job today is more difficult. It's not about those who came to this land, but it's about the dream that brought them here. Today, another people are in search of that dream, and theirs, too, is an inspiring story—one that must speak to the heart of all who came to this island and cherish the great lady of this harbor.

I speak of the people of Central America. And let me begin in 1981. I wonder how many remember that when we first drew attention to the crisis in El Salvador, we were met with an almost fatalistic acceptance of communist victory in that country—if not the whole region. Democracy, it was said, couldn't work in El Salvador: the people were too poor; they had no democratic tradition; they didn't want the chance for democracy that we offered; in fact, their sympathies lay with the communist guerrillas, we were told.

But then one day the silent, suffering people of El Salvador were offered a chance to choose for themselves—a national election. And despite the bullets, the bombs, and the death threats of the communists, the people of El Salvador turned out in record numbers, standing in line for hours waiting to vote—to vote for democracy.

Congressional observers in that national election told me of a woman who was wounded by rifle fire on the way to the polls because the guerrillas tried to keep the people from getting there. She refused to leave the line and have her wound treated until after she had voted. And the wait in the line was hours long. One grandmother, as she started to the polls, had been warned by the guerrillas that, if she voted, she would be killed when she returned from the polls. She told them, "You can kill me, kill my family, kill my neighbors, but you can't kill us all." That was the voice of Central America—the testimony of a people determined to be free.

The Threat to Freedom and Democracy

Much has been achieved since 1981. In a region in which military dictatorrhips have dominated society, democracy is taking root. A decade ago, only Costa Rica was a democracy. Today, Costa Rica has been joined by elected civilian governments in El Salvador, Guatemala, and Honduras—only Nicaragua remains a dictatorship. But while the trend toward democracy is unmistakable, the threat to freedom and democracy in Central America remains powerful because of Sandinista totalitarianism in Nicaragua. The aspirations of millions for freedom still hang in the balance.

The elected leaders of neighboring Central American countries understand this; they have personally told me this. They know the Nicaraguan regime threatens their own future and the stability of this hemisphere. They know that the establishment of a genuinely democratic system in Nicaragua—with the full, guaranteed liberties of free assembly, free speech, and free press—offers the only real hope for the long-term peace and security of the region. They know such a system provides a check and balance on any government, discourages militarism, and ensures the people's right to choose their own destiny. And that's why the views of our Central American friends and the aspirations of the Nicaraguan people are one and the same—the establishment of full, popularly elected, legitimate democratic rule in Nicaragua. So what we seek for Nicaragua is simple enough: self-determination for the Nicaraguan people—the right to select their own leaders in free, fair, contested, and regularly scheduled elections.

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*Source: Department of State Bulletin, July 1987, pp. 1-4.

The majority of Central Americans have made this choice. And I have come here today to say to you that the freedom fighters of Nicaragua are fighting for the same thing that the brave woman in El Salvador risked her life for: democracy—real democracy, rooted in sound, stable, democratic institutions and ensuring the full range of political liberties and human rights. And I have come here to say that the U.S. Government pledges to the American people what the freedom fighters have pledged to their own people: that our objective in Nicaragua is clear—free elections.

On the other hand, the Soviets and the Sandinistas have also made a choice, not for democracy, not for a free press, and not for free elections but for control through force. In 1986 alone, overall Soviet-bloc assistance to the Sandinistas exceeded $1 billion. These Soviet shipments have made the small country of Nicaragua an aggressor nation with the largest military machine in Central America, threatening the security of the entire region.

The Challenge to the United States

Make no mistake: the Soviets are challenging the United States to a test of wills over the future of this hemisphere. The future they offer is one of ever-growing communist expansion and control. And this is the choice before Congress and our people—a basic choice, really, between democracy and communism in Nicaragua, between freedom and Soviet-backed tyranny. For myself, I'm determined to meet this Soviet challenge and to ensure that the future of this hemisphere is chosen by its people and not imposed by communist aggressors.

Now, I could go on for hours about our negotiations with the Sandinistas, the Contadora process, and the missions of my regional diplomatic negotiator, Philip Habib. But since those first negotiations back in 1979, in which the Sandinistas promised a democratic, pluralistic society, we've seen that these Marxists-Leninists never intended to honor those promises; we've seen them use negotiations time and again simply to delay, to manipulate world opinion. And that's why the choice remains the same: democracy or communism, elections or dictatorship, freedom or tyranny.

The debate in this country over Central American policy has been direct and tough—and, yes, even heated at times. While such debate is healthy, we all know that a divided America cannot offer the leadership necessary to provide support and confidence to the emerging democracies in Central America.

I do not think there's anyone in Congress who wants to see another base for Soviet subversion, another Cuba, established on American shores. And yet that is what is happening right now. It's now an issue on which all Americans must unite; it's simply too important to become a partisan firefight in the next election. If we cut off the freedom fighters, we will be giving the Soviets a free hand in Central America, handing them one of their greatest foreign policy victories since World War II. Without the pressure of the Central American democracies and the freedom fighters, the Soviets would soon solidify their base in Nicaragua, and the subversion in El Salvador would reignite. The Nicaraguans have already infiltrated operatives even into Costa Rica, and they're simply waiting for the signal. Soon the communists' prediction of a "revolutionary fire"—it's their words—sweeping across all of Central America could come true. Let us not delude ourselves about the ultimate objective of the Soviets' billion-dollar war in Nicaragua.

There is a line attributed to Nikolai Lenin: "The road to America leads through Mexico." I do not intend to leave such a crisis for the next American president. For almost 40 years, America has maintained a bipartisan consensus on foreign policy. The Democratic Party—the party of Franklin Roosevelt, Harry Truman, and John Kennedy—has stood in firm support of democracy and our national security. This is no time for either party to turn its back on that tradition or on the cause of freedom, especially when the threat to both is so close to home.

U.S. Policy Framework

The survival of democracy in our hemisphere requires a U.S. policy consistent with that bipartisan tradition. So today, I want to describe the framework of that policy, a policy that begins with support for the stable, long-lasting democracy in Costa Rica and the democracies taking root in El Salvador, Guatemala, and Honduras.

The Need for Additional Economic Assistance. Many in Congress have stressed the importance of maintaining sufficient levels of economic aid to assist those democracies. I couldn't agree more. That's why additional economic assistance must be approved for the four Central American democracies.

Continuing Diplomatic Efforts. Second, close cooperation with our democratic friends in Central America is also essential, and our policy is to continue now, as in the past, diplomatic efforts to achieve a lasting peace. Earlier this year, President Arias of Costa Rica put forward a proposal aimed at achieving a peaceful settlement of the conflict in Nicaragua. At the center of his proposal is an insistence on democracy in Nicaragua. The United States welcomes this initiative and supports its general objective. At the same time we have some concerns which need to be resolved, particularly on the sequence of implementation. It's essential that any cease-fire be negotiated with the full range of the opposition. It is our profound hope that a Central American consensus can be reached soon and that a process leading toward freedom in Nicaragua can go forward.

Congress has expressed its support for the efforts of the Central American democracies to achieve a diplomatic settlement to the regional conflict. They've asked for an increased effort by the United States to examine ways for a peaceful conclusion to the civil strife in Nicaragua. This Administration has always supported regional diplomatic initiatives aimed at peace and democracy, whether it be through Contadora, through face-to-face meetings with the ruling party in Nicaragua, or through current Central American initiatives. Let me say right now that I will lend my full support to any negotiations that can build democracy throughout Central America without further bloodshed.

You know, I recently received a letter signed by 111 Members of the House of Representatives calling for a major diplomatic effort "designed"—their words—"designed to achieve peace, security guarantees for all Central American nations, the promotion of democratic institutions, and the removal of Soviet and Cuban military personnel from Nicaragua." While I do not endorse everything in the letter, I certainly join these Congressmen in calling for the restoration of freedom of the press, freedom of religion, freedom to assemble, freedom of speech, and free elections—all of which are now denied by the Government of Nicaragua.

Our Senate passed, by a 97-1 vote, a resolution stating that a "durable peace is only possible within the context of democratic regimes committed to eradicating extreme poverty, to establishing an effective means for equal opportunity for all elements of society, and free and periodic elections."

So, while Congress gets no argument from me in seeking a peaceful, diplomatic solution in Nicaragua, you can see the key is democracy and that a majority in Congress clearly recognized this. That's why I strongly believe there is a solid basis upon which to build a common effort with Congress to resolve this conflict in Central America. I plan to make every effort to work toward these goals, and I hope Congress will join with me.

Supporting Freedom Fighters. And that brings me to the third element in our policy—our commitment [illegible] our support for the freedom fighters who have pledged their lives and honor to a free Nicaragua. This Administration's support of the Nicaraguan freedom fighters, in their struggle for peace and democratic government, will not change unless the regime in Nicaragua accedes to the democratic aspirations of the Nicaraguan people. Every day the Nicaraguan people are becoming more outraged by the repression of their communist rulers. The democratic Nicaraguan resistance, including the freedom fighters, today offers the only political alternative to the dictatorship of the past and the communism of today. That alternative is democracy, and it's winning increasing support from the people of Nicaragua.

For as long as I'm President, I have no intention of withdrawing our support of these efforts by the Nicaraguan people to gain their freedom and their right to choose their own national future. In the next few months, I'll be asking Congress to renew funding for the freedom fighters. Again, I stress the danger of the course argued by some in the Congress: that the most expeditious route to peace in Central America is abandoning our commitment to the Nicaraguan freedom fighters. Delays and indecision here at home can only cause unnecessary suffering in Nicaragua, shake the confidence of the emerging democracies in the region, and endanger our own security.

We've come a long way in these last 7 years toward understanding the true nature of the Sandinista regime and its aggressive aims against its own people and its democratic neighbors in Central and South America. A new bipartisan consensus is forming, one that rejects all the old excuses. Last year, in an editorial entitled "The Road to Stalinism," *The New York Times* charged that the "pluralistic revolution" the Sandinistas promised is "hopelessly betrayed." Stated the *Times*: "Only the credulous can fail to see the roots of the police state now emerging."

And then my old friend, Tip O'Neill, in the wake of one of the Sandinistas' most blatant acts of aggression, declared that Daniel Ortega was what he had always said he was, nothing less than a "Marxist-Leninist communist," intent on provoking a "revolution without borders."

Well, now the question before the American people and the U.S. Congress is, "What do we do about it?" Well, despite almost universal acknowledgment of the brutal, totalitarian, and subversive intentions of the Sandinista regime, the renewal of aid to the freedom fighters is still a debated question. But I think there's increasing recognition that the freedom fighters are the only ones who stand between the Sandinistas and their expansionistic aims; that they are the major obstacle to preventing all of Central America from being engulfed in the communists' "revolutionary fire"; that the freedom fighters are the only ones who offer the hope of freedom to the people of Nicaragua and a chance for a stable and long-lasting peace in Latin America. They're worthy of our support.

So that's why the upcoming vote in Congress on whether to continue providing support to the freedom fighters in Nicaragua may well be the most important vote our representatives cast in 1987 and possibly one of the most important cast in their careers in public office.

The Call to Freedom

It's an important question for the press and media, as well. I can't help but note that in the new democracy of El Salvador, communist-supported guerrillas continue to try to bring down democratic rule. There's little or no media attention. Yet, just across a border in Nicaragua, the freedom fighters battle against a totalitarian communist regime and are assailed far and wide as lawless terrorists or worse. Forgive me, but the story needs perspective. And that perspective is provided by the aggressive nature of Sandinista communism.

Today, the people of Nicaragua know from experience the reality of Sandinista communism: the brutality, the poverty, the oppression. And for that reason they know what we too often forget—that freedom is worth fighting for.

It's the same firsthand knowledge of oppression and yearning for liberty that steels the brave Afghan resistance and gives them the courage to take up arms against the overwhelming might of the Soviet military machine; the same knowledge that inspires the brave Angolans and Cambodians, fighting long wars of liberation against their Soviet-backed oppressors; the same knowledge that drove the Grenadian people to embrace the American servicemen liberating their country and throw flowers in their path. And wasn't it something to see graffiti on the walls saying not "Yankee Go Home," but when I was there, every place I looked, it was saying, "God Bless America."

They were all responding to the call to freedom—a call that has a particular eloquence among these buildings, on this island where so many of our ancestors greeted the sight of Liberty with tears of joy. We hear the call of freedom in the work to which you've dedicated your lives, sounding clearly, proudly, every morning and evening in the pages of a free press. Tragically silenced in Nicaragua by the closing of *La Prensa*, we still hear that call in the brave voice of its publisher, Violeta Chamorro, who makes it clear that on the subject of freedom, the press can never be agnostic. She said, "Without liberty of the press, there is no representative democracy, nor individual liberty, nor social justice. . . only darkness, impunity, abuse, mediocrity, and repression."

Well, that's the choice we face: between the light of liberty or the darkness of repression. When, after terrible voyages of sickness and hardship, our ancestors first spied Liberty's torch, they knew that light shone for them—"those huddled masses yearning to breathe free." For those who've known only the bitterness of want and oppression, that torch burns especially bright.

Today, the light of freedom is our sacred keepsake, the promise of America to all mankind. We must forever hold its flame high, a light unto the world, a beacon of hope that extends beyond this harbor all the way to the jungled hills of Nicaragua, where young men are fighting and dying today for the same liberties we hold dear; all the way into the hearts of people everywhere who fight for freedom.

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[1] Text from Weekly Compilation of Presidential Documents of May 11, 1987. ■

X. U.S. ASSISTANCE TO LATIN AMERICA AND THE CARIBBEAN, FISCAL YEARS 1946 TO 1989

A. U.S. BILATERAL ECONOMIC AND MILITARY ASSISTANCE TO LATIN AMERICA AND THE CARIBBEAN FISCAL YEARS 1946 to 1987

CRS Report for Congress by

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ABSTRACT

This report is data on U.S. bilateral economic and military assistance obligations to Latin America and the Caribbean, covering fiscal years 1946 through 1987 (1987 figures are estimated), compiled from CRS' Foreign Aid Data Base. The data are comparable to those contained in the Agency for International Development's annual "U.S. Overseas Loans and Grants, and Assistance From International Organizations, Obligations, and Loan Authorizations."

U.S. BILATERAL ECONOMIC AND MILITARY ASSISTANCE TO LATIN AMERICA AND THE CARIBBEAN FISCAL YEARS 1946 TO 1987

METHODOLOGICAL INTRODUCTION

Data Sources

The following data are compiled from CRS' Foreign Aid Data Base. These data are taken from computer tapes developed by the Agency for International Development. The data are comparable to those contained in AID's yearly publication entitled "U.S. Overseas Loans and Grants, and Assistance From International Organizations, Obligations and Loan Authorizations." Only direct, bilateral U.S. assistance to the region is reported. Assistance from multilateral institutions, such as the Inter-American Development Bank, the World Bank, and UN agencies, to which the United States makes substantial contributions, is not included.

Reporting by Obligations

The data are reported in terms of obligations (i.e., commitments of funds through agreements with countries and organizations) rather than budget authority (appropriations) or outlays.

Fiscal Year Reporting and Program Totals

Aid levels are reported for fiscal years 1946 through 1987, including funds approved in the FY 1987 Supplemental Appropriation. Amounts for FY 1987 are estimates. Since the levels of aid in the early years were quite low, assistance levels were combined into two periods, 1946-51 and 1952-60, and were reported on an average per year basis, so that the data would be comparable to the other years. However, the totals at the bottom of the page reflect absolute totals for each type of aid. The 1976TQ or transitional quarter should not be compared to the other years since it accounts for a 3-month period when the beginning of the U.S. fiscal year changed from June 1 to October 1.

Reporting by Program

U.S. assistance is reported in the following standard categories.

Development Assistance. Project-oriented assistance intended to achieve long-term development objectives and currently organized in the following six functional categories: (1) agriculture, rural development, and nutrition; (2) population planning; (3) health; (4) child survival; (5) education and human resources development; and (6) energy/selected activities.

Food Aid. Public Law 480, "Food for Peace" programs which provide surplus agricultural commodities on a low-interest loan basis (Titles I and III) and on a grant basis to meet emergency and humanitarian requirements (Title II).

Economic Support Fund (ESF). Primarily quick disbursing, balance-of-payments and budget support funds and commodity import programs provided for security-related reasons. While ESF is included in Security Assistance, the aid is economic in nature, is administered by AID, and in some cases finances development projects.

Other Economic Assistance. Covers Peace Corps, Narcotics Control, Migration and Refugee Assistance, Inter-American Foundation, and other miscellaneous economic aid programs, including earlier Latin American programs such as the Social Progress Trust Fund.

Military Aid. Includes Military Assistance Program (MAP) grants, Foreign Military Sales (FMS) loans, International Military Education Training (IMET), and transfers of excess defense stocks.

The executive branch regularly classifies Development Assistance, Food Aid, Economic Support Funds, and Other Economic Aid, taken together, as "Economic Assistance."

Reporting by Country and Regional Programs

Assistance levels are reported by country in most cases, but assistance is also reported for regional programs where aid is provided for region-wide programs. The major examples are "Latin American Regional Program," "Eastern Caribbean Regional Program," "Regional Office for Central America and Panama (ROCAP)," and "Central American Regional Program." Most of the aid to the Eastern Caribbean mini-states is provided through the Eastern Caribbean Regional Program, and very small amounts of aid are reported under country accounts. As a result, the amounts listed for Barbados and Grenada should not be taken as the total assistance provided.

Reporting Overall Assistance to Countries and Regional Programs in the Latin America and Caribbean Region

The first pages provide data on the total assistance to the broadly defined Latin America and Caribbean Region, first in current dollar terms, and then in constant 1987 dollar terms. (Constant dollar calculations use the U.S. GNP deflator index reported by the Office of Management and Budget.)

Reporting on Distribution by Subregion

The third table provides a breakdown by subregions of U.S. assistance to the Latin America-Caribbean region. It shows the percent of total regional aid devoted to the following subregions: Mexico, Central America, the Caribbean, and South America. In this breakdown, the Central American subregion includes Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, the Central American Regional Program, and the Regional Office for Central America and Panama (ROCAP). The Caribbean subregion includes the Bahamas, Barbados, Cuba, the Dominican Republic, the Eastern Caribbean Regional Program, Grenada, Haiti, Jamaica, and Trinidad and Tobago. Remaining countries are included in the South America subregion. Total regional aid may differ from total figures on other tables because funds for the Latin American Regional Program were not assigned to any subregion.

U.S. ASSISTANCE TO COUNTRIES AND REGIONAL PROGRAMS IN LATIN AMERICA AND THE CARIBBEAN REGION
FY 1946-1987
(obligations--in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	TOTAL
1946-51 (av./yr.)	--	--	--	28.27	--	28.27
1952-60 (av./yr.)	48.99	49.56	15.83	15.68	51.31	181.36
1961	226.60	145.40	34.20	1.80	115.55	523.55
1962	375.80	126.40	107.10	232.40	153.29	994.99
1963	451.60	164.40	104.30	143.90	96.65	960.85
1964	558.80	286.30	68.80	74.80	106.40	1,095.11
1965	525.90	96.50	62.50	135.20	95.36	915.46
1966	584.70	142.70	100.20	61.00	130.45	1,019.05
1967	523.30	62.00	50.30	36.30	89.94	761.84
1968	507.10	192.61	26.10	36.30	77.67	839.78
1969	323.30	82.00	2.30	31.90	45.71	485.21
1970	418.70	159.30	3.40	25.90	26.13	633.43
1971	328.30	103.50	2.80	28.90	79.80	543.30
1972	336.20	102.80	2.00	36.10	96.95	574.05
1973	314.20	88.60	--	33.10	87.05	522.95
1974	238.80	50.40	--	56.81	140.52	486.53
1975	238.50	127.80	.10	61.31	155.85	583.56
1976	238.30	137.40	--	41.61	142.48	559.78
1976TQ	69.60	15.30	--	17.81	36.80	139.51
1977	190.12	112.69	--	45.80	49.44	398.05
1978	216.49	105.22	11.01	51.86	79.20	463.78
1979	246.91	138.25	8.00	56.22	30.87	480.24
1980	273.52	151.94	15.23	57.49	21.15	519.33
1981	233.99	179.40	143.37	53.66	59.58	670.01
1982	284.69	177.51	328.86	48.70	150.73	990.48
1983	342.47	268.59	500.36	50.31	163.87	1,325.60
1984	447.49	251.26	464.12	53.72	359.24	1,575.82
1985	563.21	317.51	997.32	69.29	269.13	2,216.46
1986	495.53	287.98	700.38	78.79	238.37	1,801.05
1987	418.76	273.87	866.70	88.18	215.61	1,863.12
Total	10,413.78	4,793.66	4,741.94	2,019.86	3,775.54	25,744.77

U.S. ASSISTANCE TO COUNTRIES AND REGIONAL PROGRAMS IN LATIN AMERICA AND THE CARIBBEAN REGION

FY 1946-1987

(obligations--in constant 1987 $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	TOTAL
1946-51(av./yr.)	--	--	--	153.08	--	153.08
1952-60(av./yr.)	200.47	203.79	64.39	66.69	216.50	751.84
1961	856.81	549.78	129.32	6.81	436.92	1,979.64
1962	1,396.10	469.58	397.88	863.37	569.48	3,696.40
1963	1,647.83	599.87	380.58	525.07	352.66	3,506.01
1964	2,009.99	1,029.82	247.47	269.05	382.73	3,939.07
1965	1,851.87	339.81	220.08	476.09	335.78	3,223.63
1966	2,000.84	488.32	342.88	208.74	446.39	3,487.17
1967	1,731.42	205.14	166.43	120.11	297.57	2,520.66
1968	1,620.97	615.69	83.43	116.04	248.29	2,684.42
1969	980.46	248.68	6.98	96.74	138.62	1,471.47
1970	1,199.98	456.55	9.74	74.23	74.88	1,815.38
1971	893.91	281.82	7.62	78.69	217.29	1,479.34
1972	867.73	265.32	5.16	93.17	250.22	1,481.61
1973	772.54	217.84	.00	81.39	214.03	1,285.80
1974	544.26	114.88	.00	129.48	320.26	1,108.88
1975	492.93	264.14	.21	126.71	322.10	1,206.08
1976	456.33	263.11	.00	79.67	272.84	1,071.96
1976TQ	128.80	28.32	.00	32.95	68.10	258.17
1977	337.18	199.86	.00	81.23	87.68	705.95
1978	358.84	174.41	18.25	85.97	131.27	768.74
1979	376.79	210.97	12.21	85.79	47.11	732.87
1980	383.72	213.15	21.36	80.66	29.68	728.56
1981	298.40	228.79	182.84	68.42	75.99	854.43
1982	338.44	211.03	390.95	57.89	179.18	1,177.49
1983	390.60	306.35	570.69	57.38	186.90	1,511.92
1984	491.35	275.88	509.60	58.98	394.44	1,730.24
1985	597.76	336.98	1,058.49	73.54	285.64	2,352.40
1986	510.96	296.95	722.19	81.24	245.80	1,857.14
1987	418.76	273.87	866.70	88.18	215.61	1,863.12
Total	25,759.73	11,001.02	6,930.57	5,716.29	8,775.96	58,183.57

DISTRIBUTION BY SUBREGION OF U.S. ASSISTANCE
LATIN AMERICA AND THE CARIBBEAN REGION
FY 1946-1987

(obligations--in current and constant 1987 $ millions)

	MEXICO			CENTRAL AMERICA			CARIBBEAN			SOUTH AMERICA			TOTAL	
	current	constant	% of total	current	constant	% of total	current	constant	% of total	current	constant	% of total	current	constant
1946-51 (av./yr.)	14.77	75.62	52.24%	3.85	21.26	13.62%	.65	3.48	2.30%	9.00	52.72	31.84%	28.27	153.08
1952-60 (av./yr.)	4.93	20.57	2.77%	28.32	117.15	15.93%	10.21	41.79	5.74%	134.32	557.45	75.56%	177.78	736.95
1961	5.07	19.17	.98%	72.33	273.48	13.98%	21.00	79.42	4.06%	418.85	1,583.75	80.98%	517.25	1,955.82
1962	37.12	137.91	3.79%	82.06	304.85	8.38%	41.51	154.19	4.24%	818.51	3,040.75	83.59%	979.19	3,637.70
1963	23.70	86.48	2.54%	99.75	363.96	10.68%	80.04	292.04	8.57%	730.87	2,666.84	78.22%	934.35	3,409.32
1964	52.75	189.75	5.04%	107.45	386.48	10.26%	34.21	123.05	3.27%	852.40	3,066.06	81.43%	1,046.81	3,765.33
1965	36.58	128.82	4.09%	144.01	507.09	16.12%	82.87	291.80	9.27%	630.10	2,218.80	70.52%	893.56	3,146.51
1966	.55	1.89	.05%	76.31	261.12	7.62%	116.93	400.14	11.67%	808.06	2,765.17	80.66%	1,001.85	3,428.32
1967	.38	1.27	.05%	122.10	404.00	16.48%	72.36	239.40	9.77%	546.08	1,806.52	73.70%	740.84	2,451.18
1968	.31	.98	.04%	106.13	339.25	13.07%	73.87	236.12	9.09%	631.08	2,019.84	77.80%	812.10	2,596.19
1969	1.69	5.12	.37%	103.23	313.07	22.72%	35.62	108.03	7.84%	313.77	951.55	69.06%	454.31	1,377.76
1970	1.09	3.12	.18%	138.22	396.12	23.33%	38.95	111.61	6.57%	414.18	1,187.02	69.91%	592.43	1,697.88
1971	4.48	12.20	.89%	81.63	222.26	16.23%	57.42	156.36	11.41%	359.48	978.81	71.47%	503.00	1,369.61
1972	2.51	6.47	.48%	91.44	235.99	17.58%	41.53	107.19	7.98%	384.78	993.10	73.96%	520.25	1,342.75
1973	.01	.03	.00%	119.52	293.86	24.93%	57.79	142.09	12.06%	302.03	742.62	63.01%	479.35	1,178.60
1974	.44	.99	.10%	104.85	238.97	23.60%	44.64	101.74	10.05%	294.31	670.76	66.25%	444.23	1,012.47
1975	.21	.43	.04%	144.81	299.28	27.28%	36.54	75.52	6.88%	349.30	721.93	65.08%	530.86	1,097.16
1976	.73	1.39	.14%	138.23	264.70	26.76%	72.52	138.88	14.04%	305.10	584.26	59.06%	516.58	989.23
1976TQ	--	--	.00%	33.61	62.19	29.48%	17.90	33.13	15.70%	62.51	115.67	54.82%	114.01	210.98
1977	15.89	28.19	4.36%	89.61	158.92	24.58%	98.51	174.72	27.02%	160.59	284.81	44.05%	364.61	646.64
1978	20.64	34.21	4.80%	90.99	150.82	21.17%	84.45	139.98	19.65%	233.78	387.51	54.39%	429.86	712.52
1979	13.63	20.79	2.95%	130.03	198.43	28.11%	121.85	185.95	26.34%	197.02	300.66	42.60%	462.52	705.83
1980	7.58	10.63	1.52%	196.23	275.29	39.26%	149.36	209.51	29.88%	146.68	205.77	29.35%	499.82	701.19
1981	9.96	12.70	1.53%	311.49	397.24	47.94%	181.84	231.89	27.98%	146.53	186.87	22.55%	649.82	828.69
1982	8.86	10.53	.92%	484.22	575.64	50.28%	334.46	397.61	34.73%	135.56	161.13	14.07%	963.07	1,144.90
1983	8.31	9.48	.65%	780.40	890.09	60.87%	288.70	329.27	22.52%	204.77	233.55	15.97%	1,282.18	1,462.39
1984	8.55	9.38	.55%	831.26	912.72	53.65%	381.54	418.93	24.62%	328.16	360.32	21.18%	1,549.50	1,701.35
1985	11.35	12.05	.52%	1,480.35	1,571.15	67.98%	466.93	495.57	21.44%	218.98	232.41	10.06%	2,177.62	2,311.18
1986	12.10	12.48	.69%	1,118.20	1,153.01	63.80%	384.61	396.58	21.94%	237.81	265.22	13.57%	1,752.72	1,807.29
1987	15.70	15.70	.86%	1,278.24	1,278.24	70.37%	314.07	314.07	17.29%	208.48	208.48	11.48%	1,816.49	1,816.49
Total	433.14	1,410.99	1.75%	8,834.65	13,910.12	35.63%	3,827.718	6,481.712	15.44%	11,703.356	34,253.500	47.19%	24,798.86	56,036.33

U.S. ASSISTANCE TO
ARGENTINA
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	2.91	2.02	--	--	.03	4.96
1961	6.90	--	--	--	3.91	10.81
1962	22.00	--	--	5.00	29.11	56.11
1963	79.70	--	20.00	30.00	1.46	131.16
1964	9.60	--	--	--	10.08	19.68
1965	1.80	--	--	3.50	16.54	21.84
1966	1.70	--	--	5.00	27.43	34.13
1967	1.60	--	--	--	15.85	17.45
1968	2.80	--	--	--	11.43	14.23
1969	1.90	--	--	--	11.67	13.57
1970	1.00	--	--	--	.59	1.59
1971	.50	--	--	--	16.38	16.88
1972	--	--	--	--	20.61	20.61
1973	--	--	--	--	12.05	12.05
1974	--	--	--	--	22.98	22.98
1975	--	--	--	.10	30.10	30.20
1976	--	--	--	--	34.40	34.40
1976TQ	--	--	--	--	.10	.10
1977	--	--	--	.11	.73	.84
1978	--	--	--	--	--	--
1979	--	--	--	.02	--	.02
1980	--	--	--	--	--	--
1981	--	--	--	--	--	--
1982	--	--	--	.06	--	.06
1983	--	--	--	.05	--	.05
1984	--	--	--	.09	--	.09
1985	--	--	--	--	--	--
1986	--	--	--	.01	--	--
1987	--	--	--	--	.01	.01
Total	155.70	18.20	20.00	43.93	265.68	503.50

U.S. ASSISTANCE TO
BAHAMAS
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
946-51 (av./yr.)	--	--	--	--	--	--
952-60 (av./yr.)	--	.03	--	--	--	.03
1961	--	--	--	--	--	--
1962	--	--	--	--	--	--
1963	--	--	--	--	--	--
1964	--	--	--	--	--	--
1965	--	--	--	--	--	--
1966	--	--	--	--	--	--
1967	--	--	--	--	--	--
1968	--	--	--	--	--	--
1969	--	--	--	--	--	--
1970	--	--	--	--	--	--
1971	--	--	--	--	--	--
1972	--	--	--	--	--	--
1973	--	--	--	--	--	--
1974	--	--	--	--	--	--
1975	--	--	--	--	--	--
1976	--	--	--	--	--	--
1976TQ	--	--	--	--	--	--
1977	--	--	--	--	--	--

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1978	--	--	--	--	--	--
1979	--	--	--	--	--	--
1980	--	--	--	--	--	--
1981	--	--	--	--	--	--
1982	--	--	--	--	--	--
1983	--	--	--	--	--	--
1984	--	--	--	.02	--	.02
1985	--	--	--	--	.04	.04
1986	--	--	--	--	.05	.05
1987	--	--	--	--	.14	.14
Total	--	.30	--	.02	.23	.55

U.S. ASSISTANCE TO
BARBADOS
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	--	--	--	--	--	--
1961	--	--	--	--	--	--
1962	--	--	--	--	--	--
1963	--	--	--	--	--	--
1964	--	--	--	--	--	--
1965	--	--	--	--	--	--
1966	--	--	--	--	--	--
1967	--	.10	--	--	--	.10
1968	--	--	--	--	--	--
1969	--	--	--	--	--	--
1970	--	--	--	--	--	--
1971	--	.60	--	--	--	.60
1972	--	--	--	--	--	--
1973	--	--	--	.30	--	.30
1974	--	--	--	.20	--	.20
1975	--	--	--	--	--	--
1976	--	.10	--	.10	--	.20
1976TQ	--	--	--	--	--	--
1977	--	.17	--	.56	--	.73
1978	--	.09	--	.48	--	.58
1979	--	.07	--	.22	.01	.29
1980	--	.15	--	.12	.06	.33
1981	--	.06	--	.27	.05	.38
1982	--	.05	--	--	.07	.12
1983	--	--	--	.01	--	--
1984	--	--	--	.06	.07	.13
1985	--	--	--	.04	.07	.11
1986	--	--	--	--	--	--
1987	--	--	--	--	--	--
Total	--	1.38	--	2.36	.32	4.06

U.S. ASSISTANCE TO
BELIZE
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	.04	.09	--	--	--	.13
1961	.10	.10	--	--	--	.20
1962	.50	.30	--	.10	--	.90
1963	.10	.30	--	.20	--	.60
1964	.40	.40	--	.20	--	1.00
1965	--	.20	--	.30	--	.50
1966	--	.10	--	.40	--	.50
1967	--	.10	--	.20	--	.30
1968	--	.10	--	.20	--	.30
1969	--	.10	--	.20	--	.30
1970	--	--	--	.20	--	.20
1971	--	.10	--	.20	--	.30
1972	--	.20	--	.20	--	.40
1973	--	.10	--	.20	--	.30
1974	--	--	--	.30	--	.30
1975	--	--	--	.30	--	.30
1976	--	--	--	.30	--	.30
1976TQ	--	--	--	.10	--	.10
1977	--	--	--	.51	--	.51
1978	--	--	--	.56	--	.56
1979	--	--	--	.75	--	.75
1980	--	--	--	.83	--	.83
1981	--	--	--	1.00	--	1.00
1982	--	--	--	.92	.03	.95
1983	6.70	--	10.00	1.11	.07	17.88
1984	3.88	--	--	1.55	.55	5.97
1985	8.50	--	14.00	2.73	.60	25.83
1986	6.93	--	2.55	2.55	.55	12.59
1987	7.31	--	3.25	2.35	.58	13.49
Total	34.82	2.90	29.80	18.46	2.37	88.36

U.S. ASSISTANCE TO
BOLIVIA
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.43	--	.43
1952-60 (av./yr.)	4.41	2.62	10.22	.89	.08	18.23
1961	5.20	2.80	22.70	--	1.75	32.45
1962	13.20	3.40	19.10	.90	2.40	39.00
1963	25.90	16.10	9.90	11.10	4.96	67.96
1964	48.20	13.40	12.30	3.30	2.85	80.05
1965	4.60	3.90	4.80	5.50	2.50	21.30
1966	25.20	6.30	3.20	2.60	2.86	40.16
1967	15.10	1.50	.40	2.20	3.72	22.92
1968	3.60	8.30	5.00	1.70	2.45	21.05
1969	10.60	9.40	--	1.50	1.95	23.45
1970	3.00	3.60	--	1.40	1.49	9.49
1971	3.70	6.90	--	1.10	2.51	14.21
1972	53.60	4.40	2.00	--	6.03	66.03
1973	17.00	10.30	--	--	4.84	32.14
1974	38.50	8.30	--	.30	7.99	55.10
1975	20.10	5.10	--	.60	7.51	33.31
1976	22.40	6.20	--	.70	4.66	33.96
1976TQ	1.80	1.20	--	.20	10.20	13.40
1977	35.79	6.68	--	3.08	3.11	48.65
1978	34.29	16.51	--	2.36	.86	54.03

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1979	28.90	18.98	--	3.20	6.71	57.79
1980	4.51	24.74	--	.84	.30	30.39
1981	2.29	9.53	--	.76	--	12.58
1982	2.12	16.40	--	1.19	--	19.71
1983	11.38	49.19	--	2.43	--	63.01
1984	52.35	22.07	--	3.62	.12	78.16
1985	18.38	29.50	--	2.73	3.36	53.97
1986	31.25	32.18	7.18	4.03	1.58	76.21
1987	20.10	30.29	15.00	12.20	2.40	79.99
Total	592.76	390.78	193.58	80.12	89.84	1,347.08

U.S. ASSISTANCE TO
BRAZIL
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	3.78	--	3.78
1952-60 (av./yr.)	5.04	17.41	--	2.50	22.98	47.93
1961	7.50	84.70	--	--	26.76	118.96
1962	85.10	72.60	--	47.90	39.38	244.98
1963	61.00	47.90	25.50	6.90	8.23	149.53
1964	129.50	150.90	50.00	6.50	34.90	371.80
1965	234.90	24.60	--	11.30	13.48	284.28
1966	243.70	79.10	--	6.20	33.81	362.81
1967	214.90	21.60	--	3.50	33.50	273.50
1968	193.80	82.90	--	3.90	36.26	316.86
1969	12.40	10.20	--	6.50	.75	29.86
1970	88.00	62.40	--	3.50	.78	154.68
1971	79.40	35.10	--	3.10	11.99	129.59
1972	12.10	5.70	--	3.20	20.67	41.67
1973	40.60	9.60	--	3.50	17.56	71.26
1974	5.00	6.20	--	6.00	52.52	69.72
1975	3.10	8.40	--	3.20	65.27	79.97
1976	.90	.70	--	2.40	44.65	48.65
1976TQ	--	1.50	--	.50	.10	2.10
1977	.46	1.26	--	2.48	.06	4.26
1978	--	.07	--	1.97	--	2.04
1979	--	.58	--	1.47	--	2.05
1980	--	1.37	--	.97	--	2.33
1981	--	.56	--	.50	--	1.05
1982	--	.34	--	.30	--	.64
1983	--	.08	--	.25	--	.33
1984	--	.02	--	.01	--	.03
1985	--	--	--	.75	--	.75
1986	--	--	--	.69	--	.69
1987	--	--	--	1.50	.01	1.51
Total	1,457.76	865.07	75.50	174.18	647.45	3,219.97

U.S. ASSISTANCE TO
CENTRAL AMERICAN REGIONAL PROGRAM
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	--	--	--	--	--	--
1961	--	--	--	--	--	--
1962	--	--	--	--	--	--
1963	--	--	--	--	--	--
1964	--	--	--	--	--	--
1965	--	--	--	--	--	--
1966	--	--	--	--	--	--
1967	--	--	--	--	--	--
1968	--	--	--	--	--	--
1969	--	--	--	--	--	--
1970	--	--	--	--	--	--
1971	--	--	--	--	--	--
1972	--	--	--	--	--	--
1973	--	--	--	--	--	--
1974	--	--	--	--	--	--
1975	--	--	--	--	--	--
1976	--	--	--	--	--	--
1976TQ	--	--	--	--	--	--
1977	--	--	--	--	--	--
1978	--	--	--	--	--	--
1979	--	--	--	--	--	--
1980	--	--	--	--	--	--
1981	--	--	--	--	--	--
1982	--	--	--	--	--	--
1983	--	--	--	--	--	--
1984	--	--	--	--	--	--
1985*	27.55	--	27.10	--	--	54.65
1986	29.45	--	42.23	--	--	71.68
1987	17.29	--	7.83	--	--	25.12
Total	74.28	--	77.16	--	--	151.44

* Fiscal year 1985 was the first year of operation of the Central American Regional Program.

U.S. ASSISTANCE TO
CHILE
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.85	--	.85
1952-60 (av./yr.)	5.14	7.42	--	--	5.97	18.53
1961	31.20	27.40	--	.10	17.33	76.03
1962	142.70	6.60	--	16.20	15.96	181.46
1963	41.30	22.00	--	5.50	25.22	94.02
1964	78.90	26.90	--	6.00	9.44	121.24
1965	99.50	14.20	--	11.70	10.45	135.85
1966	93.20	14.40	--	3.70	10.35	121.65
1967	15.50	7.90	--	2.40	4.34	30.14
1968	57.90	23.00	--	2.00	7.89	90.79
1969	35.40	14.90	--	1.20	11.74	63.24
1970	18.00	7.20	--	1.10	.85	27.15
1971	1.50	6.30	--	.80	5.69	14.29
1972	1.00	5.90	--	.50	12.28	19.68
1973	.80	2.50	--	.50	15.01	18.81
1974	5.30	3.20	--	1.30	16.14	25.94
1975	31.30	62.40	--	1.80	.62	96.12
1976	20.60	56.80	--	.90	--	78.30

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1976TQ	.60	4.30	--	.20	--	5.10
1977	.57	31.53	--	1.15	--	33.25
1978	.16	5.55	--	1.29	--	7.00
1979	.27	8.96	--	4.21	--	13.44
1980	.13	4.97	--	5.09	--	10.18
1981	--	7.70	--	4.25	--	11.95
1982	--	2.32	--	4.44	--	6.76
1983	--	1.00	--	1.83	--	2.82
1984	--	--	--	1.69	--	1.69
1985	--	--	--	1.25	--	1.25
1986	--	--	--	1.14	--	--
1987	--	--	--	--	--	--
Total	722.13	434.72	--	87.33	216.99	1,460.03

U.S. ASSISTANCE TO
COLOMBIA
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.43	--	.43
1952-60 (av./yr.)	1.44	6.07	--	--	3.99	11.50
1961	28.20	11.20	--	.20	17.71	57.31
1962	8.20	15.30	30.00	24.10	8.59	86.19
1963	93.30	16.60	.20	11.50	6.66	128.26
1964	79.40	13.20	--	13.10	9.10	114.80
1965	4.00	9.20	--	14.00	10.36	37.56
1966	85.50	9.40	1.50	5.20	13.48	115.08
1967	104.70	9.00	--	3.60	9.49	126.79
1968	77.50	19.40	--	3.00	4.88	104.78
1969	100.60	7.40	--	2.90	4.00	114.90
1970	75.80	53.50	--	1.80	7.38	138.48
1971	84.00	12.10	--	1.60	6.69	104.39
1972	92.60	21.00	--	2.40	8.59	124.59
1973	76.90	17.60	--	2.10	10.51	107.11
1974	40.10	10.10	--	3.30	.55	54.05
1975	14.00	11.50	--	3.00	.68	29.18
1976	14.00	11.90	--	2.70	20.64	49.24
1976TQ	6.60	1.70	--	4.90	.50	13.70
1977	1.43	5.25	--	2.37	.70	9.75
1978	--	2.58	--	4.70	52.18	59.46
1979	.25	1.56	--	7.01	12.95	21.77
1980	.34	4.62	--	18.20	.26	23.41
1981	--	--	--	5.73	.28	6.01
1982	--	--	--	3.04	10.54	13.58
1983	--	--	--	3.94	.72	4.66
1984	--	--	--	8.20	25.27	33.47
1985	--	--	--	11.28	.83	12.11
1986	--	--	--	11.54	4.26	15.80
1987	--	--	--	10.50	3.95	14.45
Total	1,000.42	318.70	31.70	188.50	287.63	1,826.96

U.S. ASSISTANCE TO
COSTA RICA
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.63	--	.63
1952-60 (av./yr.)	1.27	.12	--	3.53	--	4.92
1961	10.00	--	--	.10	.06	10.16
1962	2.00	--	--	3.90	.62	6.52
1963	13.00	1.10	--	.30	.33	14.73
1964	9.90	1.80	--	4.70	.43	16.83
1965	8.30	1.60	--	4.80	.22	14.92
1966	2.50	.80	--	1.40	.22	4.92
1967	6.90	.50	--	7.60	.02	15.02
1968	5.10	.60	--	5.80	--	11.50
1969	13.90	1.00	--	3.60	--	18.50
1970	19.60	.50	--	.60	--	20.70
1971	6.40	.80	--	.70	.10	8.00
1972	1.70	1.10	--	1.00	--	3.80
1973	1.30	.80	--	.50	--	2.60
1974	8.90	.50	--	1.20	--	10.60
1975	.70	1.00	--	2.00	--	3.70
1976	6.70	1.40	--	1.20	--	9.30
1976TQ	.20	.20	--	.30	--	.70
1977	6.43	3.86	--	1.27	5.00	16.56
1978	6.89	.74	--	1.35	--	8.98
1979	16.39	.03	--	1.47	--	17.89
1980	13.56	.38	--	1.97	--	15.91
1981	11.48	1.81	--	1.95	.04	15.27
1982	11.54	19.09	20.00	1.15	2.06	53.84
1983	27.16	28.18	157.00	1.75	4.63	218.71
1984	15.47	22.50	130.00	1.87	9.13	178.97
1985	25.92	21.63	169.59	2.91	14.23	234.28
1986	13.10	20.26	126.03	3.34	2.62	165.34
1987	12.77	16.22	142.47	2.81	1.73	176.00
Total	289.20	149.51	745.09	97.12	41.43	1,322.35

U.S. ASSISTANCE TO
CUBA
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.07	--	.07
1952-60 (av./yr.)	.37	.07	--	--	1.78	2.22
1961	--	--	--	--	--	--
1962	--	--	--	--	--	--
1963	--	--	--	--	--	--
1964	--	--	--	--	--	--
1965	--	--	--	--	--	--
1966	--	--	--	--	--	--
1967	--	--	--	--	--	--
1968	--	--	--	--	--	--
1969	--	--	--	--	--	--
1970	--	--	--	--	--	--
1971	--	--	--	--	--	--
1972	--	--	--	--	--	--
1973	--	--	--	--	--	--
1974	--	--	--	--	--	--
1975	--	--	--	--	--	--
1976	--	--	--	--	--	--
1976TQ	--	--	--	--	--	--
1977	--	--	--	--	--	--
1978	--	--	--	--	--	--

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1979	--	--	--	--	--	--
1980	--	--	--	--	--	--
1981	--	--	--	--	--	--
1982	--	--	--	--	--	--
1983	--	--	--	--	--	--
1984	--	--	--	--	--	--
1985	--	--	--	--	--	--
1986	--	--	--	--	--	--
1987	--	--	--	--	--	--
Total	3.30	.60	--	.40	16.06	20.36

U.S. ASSISTANCE TO
DOMINICAN REPUBLIC
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.10	--	.10
1952-60 (av./yr.)	.24	--	--	--	.89	1.14
1961	.10	--	--	--	.06	.16
1962	1.00	.80	25.00	.20	1.14	28.14
1963	5.70	12.80	23.90	7.80	3.99	54.19
1964	.30	13.00	--	1.20	2.00	16.50
1965	12.70	10.20	40.30	3.00	1.67	67.87
1966	21.80	5.40	72.50	.90	3.23	103.83
1967	21.50	4.30	32.20	.80	2.76	61.56
1968	27.10	14.20	16.40	1.00	2.57	61.27
1969	12.30	13.20	--	.80	2.52	28.82
1970	5.20	14.00	--	.60	2.05	21.85
1971	13.50	12.80	--	.50	1.12	27.92
1972	6.90	19.00	--	1.00	2.03	28.93
1973	1.00	14.20	--	.50	2.39	18.09
1974	12.60	4.20	--	.50	.84	18.14
1975	5.60	5.50	--	.60	1.52	13.23
1976	15.90	11.40	--	.90	.82	29.02
1976TQ	.20	1.00	--	.30	1.10	2.60
1977	.91	11.88	--	1.14	1.54	15.47
1978	1.30	3.89	--	.95	.74	6.88
1979	26.44	20.66	--	1.31	1.01	49.42
1980	34.64	19.66	--	1.46	3.45	59.21
1981	17.39	18.56	--	2.46	3.43	41.84
1982	19.05	19.27	41.00	3.06	5.47	87.84
1983	26.53	25.28	8.00	3.22	6.60	69.62
1984	30.35	31.31	34.00	2.50	6.34	104.49
1985	30.57	42.41	95.00	2.71	5.72	176.41
1986	27.19	31.75	40.00	2.90	4.52	106.35
1987	17.50	31.90	20.00	2.27	2.20	73.87
Total	397.45	412.56	448.30	45.18	80.84	1,384.33

U.S. ASSISTANCE TO
EASTERN CARIBBEAN REGIONAL PROGRAM
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	--	.18	--	--	--	.18
1961	--	.30	--	--	--	.30
1962	--	.30	--	--	--	.30
1963	--	.40	--	.20	--	.60
1964	--	.30	--	--	--	.30
1965	--	.20	--	.20	--	.40
1966	--	.30	--	.20	--	.50
1967	--	.30	--	.40	--	.70
1968	--	.20	--	.50	--	.70
1969	.10	.20	--	.90	--	1.20
1970	10.10	.30	--	.90	--	11.30
1971	--	.40	--	1.00	--	1.40
1972	--	.50	--	1.00	--	1.50
1973	22.50	.20	--	.80	--	23.50
1974	.10	--	--	1.30	--	1.40
1975	8.60	--	--	1.10	--	9.70
1976	16.50	--	--	1.10	--	17.60
1976TQ	.20	--	--	.30	--	.50
1977	7.25	--	--	1.54	--	8.79
1978	23.61	--	--	1.72	--	25.33
1979	26.76	.23	--	1.85	--	28.84
1980	41.18	.64	4.00	1.95	--	47.77
1981	27.04	--	--	2.50	--	29.54
1982	30.06	16.60	20.00	3.31	1.00	70.96
1983	23.18	--	35.00	3.89	3.27	65.34
1984	25.40	.02	30.82	3.13	7.19	66.56
1985	27.64	.02	20.00	4.02	5.22	56.90
1986	24.84	--	27.58	3.94	7.54	63.89
1987	22.90	--	19.20	3.48	5.40	50.98
Total	337.95	23.01	156.60	41.23	29.62	588.40

U.S. ASSISTANCE TO
ECUADOR
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.62	--	.62
1952-60 (av./yr.)	3.29	.92	--	--	2.46	6.67
1961	9.60	3.20	--	--	10.93	23.73
1962	12.00	2.10	8.00	14.40	4.85	41.35
1963	11.20	6.10	7.00	11.10	3.46	38.86
1964	20.50	4.40	--	3.70	5.13	33.73
1965	12.10	3.60	--	2.40	5.81	23.91
1966	6.30	1.60	10.00	5.60	3.79	27.29
1967	3.90	3.00	--	1.50	6.56	14.96
1968	3.60	1.30	--	1.50	2.39	8.79
1969	5.90	4.80	--	1.30	2.27	14.27
1970	23.20	1.60	--	1.00	2.32	28.12
1971	15.30	6.60	--	.80	.30	23.00
1972	4.90	3.20	--	1.40	--	9.50
1973	4.60	11.10	--	1.50	--	17.20
1974	2.50	3.30	--	1.80	--	7.60
1975	2.10	3.40	--	2.50	.38	8.38
1976	--	2.10	--	2.20	10.49	14.79
1976TQ	--	.10	--	.40	.10	.60
1977	--	1.21	--	2.60	15.40	19.21
1978	.85	2.38	--	2.35	10.74	16.32

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1979	.51	2.70	--	3.05	.44	6.69
1980	8.30	.87	--	2.64	3.27	15.08
1981	12.51	2.29	--	3.69	4.35	22.83
1982	17.30	2.38	--	3.17	5.00	27.85
1983	21.54	1.78	--	3.30	4.61	31.23
1984	22.57	2.69	--	3.56	6.70	35.51
1985	28.74	14.88	4.41	3.82	6.69	58.54
1986	29.50	6.44	20.22	4.10	4.54	64.79
1987	16.34	.92	12.50	4.06	3.65	37.46
Total	325.46	108.33	62.13	93.13	146.25	735.30

U.S. ASSISTANCE TO EL SALVADOR

FY 1946-1987

(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.32	--	.32
1952-60 (av./yr.)	.83	.11	--	.01	.01	.97
1961	2.90	.10	--	--	.22	3.22
1962	3.30	.90	--	11.80	1.03	17.03
1963	19.50	2.60	--	.30	1.47	23.87
1964	11.00	3.50	--	.40	1.23	16.13
1965	5.80	2.20	--	10.90	.53	19.43
1966	3.40	2.40	--	.90	.83	7.53
1967	2.20	1.90	--	.40	.33	4.83
1968	8.20	.70	--	.50	.47	9.87
1969	10.60	1.80	--	.60	.38	13.38
1970	10.30	1.80	--	.50	.58	13.18
1971	2.50	1.70	--	.50	.43	5.13
1972	6.00	1.40	--	1.00	.36	8.76
1973	2.00	1.10	--	.40	.50	4.00
1974	7.80	1.30	--	1.10	1.27	11.47
1975	1.30	1.60	--	1.00	5.49	9.39
1976	1.60	3.30	--	1.00	1.03	6.93
1976TQ	.20	.10	--	1.00	.10	1.40
1977	2.71	2.67	--	1.36	.56	7.31
1978	7.98	1.72	--	1.25	.03	10.98
1979	6.92	2.91	--	1.56	.01	11.40
1980	43.16	5.47	9.10	.53	5.96	64.21
1981	33.35	35.28	44.90	.41	35.49	149.43
1982	39.57	27.59	115.00	--	82.00	264.16
1983	58.79	46.74	140.00	--	81.30	326.82
1984	41.14	54.56	120.23	--	196.55	412.48
1985	91.12	57.84	285.00	--	136.25	570.21
1986	86.23	54.45	181.95	--	121.80	444.42
1987	75.45	47.20	311.50	--	116.50	550.65
Total	592.50	365.82	1,207.68	39.42	792.74	2,998.16

U.S. ASSISTANCE TO
GRENADA
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	--	--	--	--	--	--
1961	--	--	--	--	--	--
1962	--	--	--	--	--	--
1963	--	--	--	--	--	--
1964	--	--	--	--	--	--
1965	--	--	--	--	--	--
1966	--	--	--	--	--	--
1967	--	--	--	--	--	--
1968	--	--	--	--	--	--
1969	--	--	--	--	--	--
1970	--	--	--	--	--	--
1971	--	--	--	--	--	--
1972	--	--	--	--	--	--
1973	--	--	--	--	--	--
1974	--	--	--	--	--	--
1975	--	--	--	--	--	--
1976	--	--	--	--	--	--
1976TQ	--	--	--	--	--	--
1977	--	--	--	--	--	--
1978	--	--	--	--	--	--
1979	--	--	--	--	--	--
1980	--	--	--	--	--	--
1981	--	--	--	--	--	--
1982	--	--	--	--	--	--
1983	--	--	--	--	--	--
1984	1.41	--	46.97	--	.06	48.44
1985	.20	--	11.13	.01	.06	11.40
1986	--	--	--	.01	--	--
1987	--	--	--	--	--	--
Total	1.61	--	58.10	.02	.13	59.84

U.S. ASSISTANCE TO
GUATEMALA
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	1.47	--	1.47
1952-60 (av./yr.)	4.19	.52	3.50	3.01	.18	11.40
1961	21.00	.40	--	--	.11	21.51
1962	4.60	.70	--	4.30	3.65	13.25
1963	3.30	1.00	--	9.00	2.90	16.20
1964	5.80	3.00	--	.50	2.74	12.04
1965	7.30	1.10	--	4.80	1.57	14.77
1966	4.10	.90	--	4.00	1.46	10.46
1967	10.40	1.90	1.10	.70	2.17	16.27
1968	11.20	1.90	--	3.40	1.13	17.63
1969	5.40	2.20	.30	.70	2.43	11.03
1970	28.30	2.50	.80	.60	1.37	33.57
1971	14.20	2.00	--	.50	6.68	23.38
1972	12.50	3.40	--	.70	2.15	18.75
1973	9.50	1.70	--	.80	3.82	15.82
1974	2.50	1.20	--	1.00	2.43	7.13
1975	9.40	3.40	--	1.30	2.86	16.96
1976	29.00	12.50	--	2.00	2.17	45.67
1976TQ	3.70	.30	--	.40	.10	4.50
1977	14.27	4.51	--	1.97	.51	21.26
1978	4.53	4.62	--	1.53	--	10.67

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1979	17.42	5.33	--	1.99	.01	24.75
1980	7.76	3.30	--	1.94	--	13.00
1981	9.14	7.55	--	2.34	--	19.03
1982	8.18	5.62	--	1.65	--	15.45
1983	12.31	5.35	10.00	1.98	--	29.64
1984	4.49	13.13	--	2.61	--	20.23
1985	63.17	28.20	12.50	3.04	.46	107.36
1986	37.06	23.87	52.75	2.93	5.36	121.97
1987	33.30	24.31	113.54	3.16	2.40	176.71
Total	431.53	170.58	222.49	95.73	50.05	970.38

U.S. ASSISTANCE TO
GUYANA
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	.11	.06	--	--	--	.17
1961	.70	.10	--	--	--	.80
1962	1.40	.10	--	--	--	1.50
1963	1.40	.10	--	--	--	1.50
1964	--	.30	--	--	--	.30
1965	6.10	.40	5.80	--	--	12.30
1966	4.90	1.20	1.30	.10	--	7.50
1967	9.40	.10	--	.20	--	9.70
1968	5.80	.01	2.50	.20	--	8.51
1969	16.60	.60	.10	.30	--	17.60
1970	1.30	--	--	.30	--	1.60
1971	1.20	.70	--	.10	--	2.00
1972	15.60	1.10	--	--	--	16.70
1973	.70	.20	--	.10	--	1.00
1974	.10	.10	--	--	--	.20
1975	1.00	.20	--	.10	--	1.30
1976	1.80	.20	--	--	--	2.00
1976TQ	--	.10	--	--	--	.10
1977	6.32	.01	--	--	--	6.33
1978	24.85	1.90	--	--	--	26.75
1979	6.33	2.28	--	--	--	8.61
1980	2.54	2.39	--	--	--	4.93
1981	1.21	.03	--	.05	.02	1.31
1982	1.69	.15	--	.10	.04	1.97
1983	.13	.05	--	.01	.03	.20
1984	--	--	--	.02	--	.02
1985	--	.08	--	.01	--	.09
1986	--	3.24	--	--	--	3.24
1987	--	5.00	--	--	--	5.00
Total	112.07	21.13	9.70	1.58	.09	144.57

U.S. ASSISTANCE TO
HAITI
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.48	--	.48
1952-60 (av./yr.)	2.23	.87	2.11	.01	.38	5.61
1961	2.20	1.10	11.50	--	.44	15.24
1962	--	.70	7.10	--	.26	8.06
1963	--	.90	4.90	--	--	5.80
1964	--	2.20	1.50	--	--	3.70
1965	.40	.70	1.40	--	--	2.50
1966	.20	.70	2.40	--	--	3.30
1967	.60	.70	1.40	--	--	2.70
1968	.10	1.30	2.00	--	--	3.40
1969	.10	1.30	1.90	--	--	3.30
1970	--	2.10	1.60	--	--	3.70
1971	--	1.50	2.80	--	--	4.30
1972	3.20	1.70	--	--	--	4.90
1973	6.30	1.20	--	--	--	7.50
1974	8.70	2.00	--	.70	--	11.40
1975	3.60	5.60	--	.10	.02	9.32
1976	9.30	13.90	--	.20	.10	23.50
1976TQ	11.00	.90	--	--	--	11.90
1977	21.11	19.33	--	.26	.62	41.32
1978	8.92	18.57	--	.05	.75	28.29
1979	9.07	15.40	--	.30	.38	25.14
1980	10.13	15.76	1.00	.17	.13	27.18
1981	9.16	24.48	--	.88	.42	34.94
1982	12.02	22.15	--	.12	.54	34.83
1983	17.32	18.44	10.00	.40	.69	46.86
1984	20.64	19.82	5.10	1.00	1.03	47.58
1985	25.65	23.15	5.00	1.71	.74	56.26
1986	25.59	29.25	21.32	1.60	1.90	79.66
1987	37.00	33.36	29.17	1.31	1.55	102.38
Total	262.40	286.01	129.08	11.81	13.02	702.32

U.S. ASSISTANCE TO
HONDURAS
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.28	--	.28
1952-60 (av./yr.)	2.59	.28	--	.51	.14	3.51
1961	5.20	.30	--	--	.15	5.65
1962	2.90	.20	--	.20	1.50	4.80
1963	4.90	.30	2.40	5.80	.86	14.26
1964	8.70	.70	--	2.40	.41	12.21
1965	2.50	.40	--	1.20	.86	4.96
1966	12.00	1.00	--	1.00	1.36	15.36
1967	9.10	.60	--	.60	.90	11.20
1968	13.10	.40	--	.70	.98	15.18
1969	2.70	.80	--	.80	.83	5.13
1970	5.50	.90	--	.80	.44	7.64
1971	5.20	1.20	--	.80	.85	8.05
1972	3.60	1.20	--	.90	.63	6.33
1973	5.60	.90	--	1.20	.58	8.28
1974	24.60	1.20	--	1.20	.66	27.66
1975	25.40	9.00	--	1.20	4.22	39.82
1976	14.80	5.90	--	1.30	3.51	25.51
1976TQ	1.90	.30	--	.20	.10	2.50
1977	7.82	2.84	--	1.56	3.12	15.34
1978	12.95	2.44	--	1.71	3.20	20.29

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1979	22.05	4.73	--	2.34	2.26	31.38
1980	45.82	5.14	--	2.09	3.98	57.03
1981	25.66	8.25	--	2.52	8.94	45.36
1982	31.17	10.09	36.80	2.65	31.28	111.98
1983	32.23	15.47	56.00	3.23	48.30	155.22
1984	31.00	20.24	40.00	3.79	77.44	172.47
1985	54.37	19.41	150.20	5.01	67.40	296.39
1986	45.30	19.60	66.51	5.24	61.16	197.80
1987	40.85	17.01	131.16	5.11	61.20	255.33
Total	520.21	153.00	483.06	61.85	388.33	1,606.46

U.S. ASSISTANCE TO
JAMAICA
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	.13	.44	--	--	--	.58
1961	1.00	.50	--	--	--	1.50
1962	1.00	.80	--	.20	--	2.00
1963	5.80	2.00	--	.20	.54	8.54
1964	3.30	4.20	--	.50	.01	8.01
1965	4.50	1.90	--	.60	--	7.00
1966	1.40	1.70	--	.60	.50	4.20
1967	.70	.90	--	.60	--	2.20
1968	1.00	6.80	--	.70	--	8.50
1969	.90	.60	--	.70	--	2.20
1970	.80	.40	--	.90	--	2.10
1971	20.90	1.10	--	1.10	--	23.10
1972	1.20	3.90	--	1.00	--	6.10
1973	5.60	1.40	--	1.40	--	8.40
1974	9.90	1.80	--	1.50	--	13.20
1975	.60	1.60	--	2.10	--	4.30
1976	.80	.10	--	1.30	--	2.20
1976TQ	.10	2.50	--	.30	--	2.90
1977	17.53	13.41	--	1.23	--	32.17
1978	.56	10.50	11.01	1.23	--	23.30
1979	5.98	10.21	--	1.92	--	18.11
1980	2.68	10.02	--	1.89	--	14.60
1981	12.92	17.11	41.00	2.45	1.66	75.15
1982	28.95	17.51	90.46	1.72	2.08	140.71
1983	22.18	20.11	59.35	1.81	3.43	106.88
1984	32.64	20.57	55.00	1.91	4.20	114.31
1985	34.26	40.34	81.00	2.53	7.64	165.78
1986	26.07	37.58	58.57	4.43	7.95	134.61
1987	14.50	38.82	25.00	5.02	3.30	86.64
Total	258.98	272.37	421.39	39.86	31.31	1,023.91

U.S. ASSISTANCE TO
LATIN AMERICAN REGIONAL PROGRAM
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	3.53	.06	--	--	--	3.59
1961	6.20	.10	--	--	--	6.30
1962	13.50	.10	--	2.20	--	15.80
1963	17.10	6.20	--	3.20	--	26.50
1964	44.30	.10	--	3.90	--	48.30
1965	16.80	.10	--	5.00	--	21.90
1966	12.10	.10	--	5.00	--	17.20
1967	15.00	.20	--	5.80	--	21.00
1968	21.50	.10	--	6.00	--	27.60
1969	25.50	--	--	5.40	--	30.90
1970	34.00	--	--	7.00	--	41.00
1971	33.20	--	--	7.10	--	40.30
1972	46.10	--	--	7.70	--	53.80
1973	36.30	--	--	7.30	--	43.60
1974	30.00	--	--	12.30	--	42.30
1975	28.50	--	.10	24.10	--	52.70
1976	24.40	--	--	18.80	--	43.20
1976TQ	20.10	--	--	5.40	--	25.50
1977	29.83	--	--	3.61	--	33.44
1978	30.49	--	--	3.43	--	33.92
1979	14.06	--	--	3.66	--	17.72
1980	15.25	--	--	4.26	--	19.51
1981	15.21	--	--	4.93	.05	20.19
1982	21.74	--	--	5.64	.03	27.41
1983	21.91	--	15.01	6.50	--	43.42
1984	20.96	--	2.00	3.35	--	26.32
1985	28.27	--	1.49	9.08	--	38.84
1986	25.47	--	3.62	12.94	5.15	47.18
1987	27.55	--	5.86	10.40	2.82	46.63
Total	707.14	7.50	28.07	194.00	8.05	944.77

U.S. ASSISTANCE TO
MEXICO
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	14.77	--	14.77
1952-60 (av./yr.)	.87	2.47	--	1.23	.36	4.93
1961	1.20	3.20	--	--	.67	5.07
1962	20.70	5.10	--	10.60	.72	37.12
1963	.30	15.20	--	7.70	.50	23.70
1964	22.40	18.00	--	12.10	.25	52.75
1965	24.70	6.90	.20	4.60	.18	36.58
1966	.20	.10	--	--	.25	.55
1967	.30	--	--	--	.08	.38
1968	.20	--	--	--	.11	.31
1969	.20	--	--	--	1.49	1.69
1970	--	--	1.00	--	.09	1.09
1971	--	--	--	--	4.48	4.48
1972	--	--	--	.50	2.01	2.51
1973	--	--	--	--	.01	.01
1974	--	--	--	.40	.04	.44
1975	--	--	--	.10	.11	.21
1976	--	--	--	.60	.13	.73
1976TQ	--	--	--	--	--	.00
1977	--	--	--	15.77	.13	15.89
1978	--	--	--	20.51	.12	20.64

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1979	--	--	--	13.43	.19	13.63
1980	--	--	--	7.45	.13	7.58
1981	--	--	--	9.84	.12	9.96
1982	--	--	--	8.71	.15	8.86
1983	--	--	--	8.24	.07	8.31
1984	--	--	--	8.37	.17	8.55
1985	--	1.25	--	9.90	.20	11.35
1986	--	.28	--	11.63	.19	12.10
1987	--	--	--	15.50	.20	15.70
Total	78.00	72.23	1.20	265.66	16.05	433.14

U.S. ASSISTANCE TO
NICARAGUA
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.90	--	.90
1952-60 (av./yr.)	1.17	--	--	1.56	.19	2.91
1961	8.30	.20	--	1.40	.50	10.40
1962	3.60	.70	--	9.40	1.92	15.62
1963	3.50	1.40	--	2.60	1.22	8.72
1964	3.90	1.90	--	--	1.31	7.11
1965	16.40	1.20	--	6.10	1.39	25.09
1966	16.30	1.20	--	--	1.29	18.79
1967	11.40	.80	--	--	1.11	13.31
1968	25.50	.20	--	--	1.13	26.83
1969	1.90	.30	--	.20	.82	3.22
1970	2.30	.40	--	.40	1.21	4.31
1971	12.50	.30	--	.40	1.61	14.81
1972	2.50	1.70	--	.50	1.01	5.71
1973	22.50	3.00	--	1.30	2.95	29.75
1974	12.40	2.40	--	.70	2.06	17.56
1975	40.10	1.40	--	.70	4.25	46.45
1976	16.80	.90	--	1.20	3.63	22.53
1976TQ	.90	.10	--	.30	.20	1.50
1977	1.39	.36	--	1.46	3.10	6.31
1978	12.51	.05	--	1.42	.40	14.38
1979	1.70	6.97	8.00	1.84	.01	18.52
1980	18.31	18.00	1.13	1.26	--	38.69
1981	1.83	1.24	56.57	.28	--	59.92
1982	.68	.35	5.10	.12	--	6.25
1983	--	--	--	--	--	--
1984	--	--	--	.10	--	.10
1985	--	--	--	--	--	--
1986	--	--	--	--	--	--
1987	--	--	--	--	--	--
Total	247.71	45.07	70.80	51.09	32.77	447.44

U.S. ASSISTANCE TO
PANAMA
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.25	--	.25
1952-60 (av./yr.)	1.47	.59	--	2.42	--	4.48
1961	15.70	.40	--	--	.09	16.19
1962	2.60	.40	9.90	10.40	.65	23.95
1963	8.40	.70	.40	.40	.38	10.28
1964	9.10	.80	--	7.70	.23	17.83
1965	7.40	.60	4.00	8.70	.24	20.94
1966	9.30	.50	3.50	1.10	.55	14.95
1967	25.00	.60	10.20	.70	.47	36.98
1968	19.40	.30	.20	.90	.22	21.02
1969	16.00	.60	--	.80	.28	17.68
1970	11.80	1.00	--	.70	1.02	14.52
1971	11.10	.60	--	5.20	1.56	18.46
1972	22.80	1.20	--	9.80	.70	34.50
1973	7.10	.50	--	7.90	.76	16.26
1974	10.80	.70	--	16.40	.93	28.83
1975	8.30	.90	--	12.00	.58	21.78
1976	22.70	1.20	--	.80	.89	25.59
1976TQ	4.00	--	--	2.70	.20	6.90
1977	13.66	2.22	--	.39	3.12	19.38
1978	21.34	1.33	--	.48	.51	23.66
1979	19.91	1.08	--	.21	1.41	22.60
1980	1.04	1.04	--	.04	.29	2.41
1981	8.64	1.85	--	.02	.38	10.89
1982	11.69	1.36	--	.01	5.40	18.45
1983	6.23	1.05	--	.01	5.45	12.73
1984	10.72	1.35	--	.01	13.50	25.58
1985	24.29	.08	50.00	.07	10.59	85.02
1986	20.07	.08	13.17	--	8.22	41.54
1987	19.34	.07	--	--	6.39	25.80
Total	381.62	27.79	91.37	110.73	65.02	676.52

U.S. ASSISTANCE TO
PARAGUAY
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.47	--	.47
1952-60 (av./yr.)	2.51	.40	--	--	.04	2.95
1961	9.80	1.10	--	--	.43	11.33
1962	2.00	6.00	--	--	.89	8.89
1963	3.00	3.10	--	2.90	1.41	10.41
1964	5.40	2.70	--	--	1.24	9.34
1965	2.40	1.50	--	4.90	2.86	11.66
1966	11.70	3.10	--	--	1.96	16.76
1967	4.10	.60	--	.30	.96	5.96
1968	2.70	3.20	--	.40	1.34	7.64
1969	9.70	3.30	--	.50	1.16	14.66
1970	7.10	.50	--	.50	1.17	9.27
1971	6.90	5.30	--	.40	4.06	16.66
1972	2.80	1.70	--	.40	2.67	7.57
1973	6.00	.90	--	.40	1.94	9.24
1974	4.40	.20	--	1.20	2.38	8.18
1975	6.70	.40	--	.90	1.08	9.09
1976	4.40	.10	--	1.00	2.59	8.09
1976TQ	1.10	--	--	.20	.90	2.20
1977	1.71	.19	--	1.31	.76	3.96
1978	1.79	.32	--	1.41	.62	4.14

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1979	7.11	.27	--	2.88	.01	10.27
1980	1.33	.44	--	1.91	.01	3.69
1981	1.96	.65	--	3.51	--	6.12
1982	--	.11	--	3.71	.01	3.83
1983	--	.04	--	3.17	.06	3.27
1984	.18	--	--	2.50	.08	2.76
1985	.96	--	--	2.50	.10	3.56
1986	1.06	.29	--	1.92	.10	3.37
1987	--	.25	--	1.82	.13	2.20
Total	128.89	39.87	--	43.45	31.30	243.51

U.S. ASSISTANCE TO
PERU
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	1.77	--	1.77
1952-60 (av./yr.)	3.18	4.37	--	--	6.43	13.97
1961	29.20	6.10	--	--	19.42	54.72
1962	20.70	7.40	6.00	25.50	20.86	80.46
1963	2.90	5.70	--	4.10	16.46	29.16
1964	35.40	12.90	--	6.40	9.48	64.18
1965	7.40	6.50	--	9.20	12.09	35.19
1966	17.80	7.80	.80	13.10	10.09	49.59
1967	22.70	2.40	--	2.20	5.15	32.45
1968	5.50	6.70	--	1.60	1.50	15.30
1969	4.00	7.80	--	1.30	.54	13.64
1970	11.30	4.20	--	1.40	.55	17.45
1971	6.90	6.90	--	1.40	.51	15.71
1972	31.70	11.10	--	1.40	.93	45.13
1973	3.80	4.20	--	1.00	.73	9.73
1974	12.10	3.70	--	1.50	15.94	33.24
1975	8.90	6.40	--	.80	21.32	37.42
1976	12.70	8.70	--	.40	1.08	22.88
1976TQ	.90	1.00	--	--	20.30	22.20
1977	17.38	5.31	--	.07	10.88	33.64
1978	21.98	31.97	--	.82	8.94	63.71
1979	34.10	35.31	--	1.30	5.48	76.19
1980	18.69	33.00	--	1.64	3.31	56.64
1981	34.52	42.47	--	3.17	4.32	84.48
1982	35.82	16.15	--	2.59	4.98	59.54
1983	35.49	55.85	--	2.05	4.55	97.94
1984	118.85	42.98	--	2.81	10.70	175.35
1985	37.91	38.73	--	2.41	8.66	87.71
1986	18.92	28.71	7.00	3.74	.63	59.00
1987	14.50	28.51	5.00	6.70	.70	55.41
Total	650.65	507.80	18.80	109.21	277.94	1,564.40

U.S. ASSISTANCE TO
REGIONAL OFFICE FOR CENTRAL AMERICA AND PANAMA (ROCAP)
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	--	--	--	--	--	--
1961	5.00	--	--	--	--	5.00
1962	--	--	--	--	--	--
1963	8.20	--	--	2.90	--	11.10
1964	24.30	--	--	--	--	24.30
1965	43.40	--	--	--	--	43.40
1966	3.80	--	--	--	--	3.80
1967	24.20	--	--	--	--	24.20
1968	3.80	--	--	--	--	3.80
1969	34.00	--	--	--	--	34.00
1970	44.10	--	--	--	--	44.10
1971	3.50	--	--	--	--	3.50
1972	13.20	--	--	--	--	13.20
1973	42.50	--	--	--	--	42.50
1974	1.30	--	--	--	--	1.30
1975	6.40	--	--	--	--	6.40
1976	2.40	--	--	--	--	2.40
1976TQ	16.00	--	--	--	--	16.00
1977	2.96	--	--	--	--	2.96
1978	1.48	--	--	--	--	1.48
1979	2.75	--	--	--	--	2.75
1980	4.16	--	--	--	--	4.16
1981	9.70	--	.90	--	--	10.60
1982	13.13	--	--	--	--	13.13
1983	19.40	--	--	--	--	19.40
1984	15.46	--	--	--	--	15.46
1985	35.71	--	70.90	--	--	106.61
1986	47.51	--	15.36	--	--	62.87
1987	42.05	.01	13.09	--	--	55.15
Total	470.40	--	100.24	2.90	--	573.55

U.S. ASSISTANCE TO
SURINAME
FY 1946-1987
(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	.23	.03	--	--	--	.27
1961	.40	.10	--	--	--	.50
1962	.50	.10	--	--	--	.60
1963	.30	.10	--	--	--	.40
1964	--	.20	--	--	--	.20
1965	--	.10	1.00	--	--	1.10
1966	--	.10	--	--	--	.10
1967	--	--	--	--	--	--
1968	--	--	--	--	--	--
1969	--	.60	--	--	--	.60
1970	--	--	--	--	--	--
1971	--	--	--	--	--	--
1972	--	--	--	--	--	--
1973	--	.10	--	--	--	.10
1974	--	--	--	--	--	--
1975	--	--	--	--	--	--
1976	--	--	--	--	--	--
1976TQ	--	--	--	--	--	--
1977	--	--	--	--	--	--
1978	--	--	--	--	--	--

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1979	--	--	--	--	--	--
1980	--	--	--	--	.03	.03
1981	--	--	--	--	.03	.03
1982	--	--	.50	--	.02	.52
1983	--	--	--	.06	--	.06
1984	--	--	--	--	--	--
1985	--	--	--	--	.04	.04
1986	--	--	--	--	.04	.04
1987	--	--	--	--	.05	.05
Total	3.30	1.70	1.50	.06	.21	6.78

U.S. ASSISTANCE TO
TRINIDAD AND TOBAGO
FY 1946-1987

(in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	--	--	--
1952-60 (av./yr.)	.42	.03	--	--	--	.46
1961	3.70	.10	--	--	--	3.80
1962	.90	--	2.00	.10	--	3.00
1963	.80	--	10.10	--	--	10.90
1964	.50	.20	5.00	--	--	5.70
1965	--	.10	5.00	--	--	5.10
1966	--	.10	5.00	--	--	5.10
1967	--	.10	5.00	--	--	5.10
1968	--	--	--	--	--	--
1969	--	.10	--	--	--	.10
1970	--	--	--	--	--	--
1971	--	.10	--	--	--	.10
1972	--	.10	--	--	--	.10
1973	--	--	--	--	--	--
1974	--	--	--	.30	--	.30
1975	--	--	--	--	--	--
1976	--	--	--	--	--	--
1976TQ	--	--	--	--	--	--
1977	--	--	--	.03	--	.03
1978	--	--	--	.08	--	.08
1979	--	--	--	.04	--	.04
1980	--	--	--	.25	--	.25
1981	--	--	--	--	--	--
1982	--	--	--	--	--	--
1983	--	--	--	--	--	--
1984	--	--	--	--	--	--
1985	--	--	--	--	.04	.04
1986	--	--	--	--	.05	.05
1987	--	--	--	--	.05	.05
Total	9.70	1.20	32.10	.81	.14	43.95

U.S. ASSISTANCE TO URUGUAY FY 1946-1987 (in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.40	--	.40
1952-60 (av./yr.)	1.22	2.38	--	--	3.00	6.60
1961	.10	1.90	--	--	5.10	7.10
1962	.30	1.30	--	2.50	1.44	5.54
1963	7.90	.60	--	8.40	1.94	18.84
1964	6.30	1.00	--	.20	2.52	10.02
1965	1.10	.70	--	.30	2.91	5.01
1966	5.90	.50	--	.40	5.05	11.85
1967	2.70	.60	--	.20	1.60	5.10
1968	16.30	19.50	--	.20	1.93	37.93
1969	1.60	.20	--	.10	2.07	3.97
1970	16.90	2.40	--	.10	3.49	22.89
1971	4.90	.40	--	.10	6.56	11.96
1972	1.40	8.60	--	.10	6.70	16.80
1973	1.20	7.00	--	.10	3.05	11.35
1974	.90	--	--	--	5.42	6.32
1975	12.80	--	--	.10	9.16	22.06
1976	.60	--	--	--	1.03	1.63
1976TQ	.10	--	--	--	2.70	2.80
1977	.60	--	--	--	.03	.63
1978	.03	--	--	.21	--	.23
1979	--	--	--	.19	--	.19
1980	--	--	--	.01	--	.01
1981	--	--	--	.07	--	.07
1982	--	--	--	.85	.01	.85
1983	--	--	--	.99	.06	1.04
1984	--	--	--	.58	.10	.67
1985	--	--	--	--	.10	.10
1986	--	--	14.36	.01	.10	14.46
1987	--	--	12.15	--	.13	12.28
Total	92.62	66.10	26.51	18.10	90.17	293.49

U.S. ASSISTANCE TO VENEZUELA FY 1946-1987 (in current $ millions)

	Development Assistance	Food Aid (P.L. 480)	Economic Support Fund	Other Economic	Military Assistance	Total
1946-51 (av./yr.)	--	--	--	.25	--	.25
1952-60 (av./yr.)	.13	--	--	--	2.40	2.53
1961	15.20	--	--	--	9.93	25.13
1962	11.10	.50	--	42.50	18.35	72.45
1963	33.10	1.20	--	11.80	14.67	60.77
1964	1.70	10.30	--	2.00	13.06	27.06
1965	1.80	4.40	--	22.20	11.71	40.11
1966	1.70	3.90	--	3.60	11.94	21.14
1967	1.40	2.30	--	2.40	.93	7.03
1968	1.40	1.50	--	2.10	1.01	6.01
1969	1.00	.60	--	1.60	.82	4.02
1970	1.10	--	--	1.60	.76	3.46
1971	1.00	--	--	1.50	8.30	10.80
1972	.80	4.70	--	1.40	9.61	16.51
1973	.40	--	--	1.30	10.36	12.06
1974	.30	--	--	2.30	8.39	10.99
1975	--	--	--	1.60	.67	2.27
1976	--	--	--	.50	10.66	11.16
1976TQ	--	--	--	.10	.10	.20
1977	--	--	--	--	.08	.08
1978	--	--	--	--	.10	.10
1979	--	--	--	--	--	--
1980	--	--	--	--	--	--
1981	--	--	--	.09	.01	.10
1982	--	--	--	.19	.03	.22
1983	--	--	--	.11	.06	.17
1984	--	--	--	.39	.05	.44
1985	--	--	--	.77	.10	.86
1986	--	--	--	.11	.10	.21
1987	--	--	--	--	.13	.13
Total	73.20	29.40	--	101.65	153.49	357.74

B. U.S. Bilateral Economic and Military Assistance to Latin America and the Caribbean, Fiscal Years 1987 to 1989

FY 1987 U.S. ECONOMIC AND MILITARY ASSISTANCE - ACTUAL OBLIGATIONS

02-Mar-88	DA	ESF	---- PL 480 ----		NARC'S	PEACE CORPS	OTHER ECON	------ FMS ------		MAP	IMET	OTHER MILITARY	TOTAL
			TITLE I	TITLE II				(CONC)	(FORGIVEN)				
LATIN AMERICA & CARIBBEAN													
Argentina	--	--	--	--	--	--	--	--	--	--	--	--	--
Bahamas	--	--	--	--	--	--	--	--	--	--	54	--	54
Belize	7,295	5,395	--	--	--	2,594	--	--	--	500	100	--	15,884
Bolivia	20,499	7,500	20,000	10,435	12,540	--	--	--	--	1,000	200	--	72,174
Brazil	--	--	--	--	3,325	--	--	--	--	--	--	--	3,325
Chile	--	--	--	--	--	--	--	--	--	--	--	--	--
Colombia	--	--	--	--	11,553	--	--	--	--	3,500	1,551	--	16,604
Costa Rica	17,104	142,466	15,200	--	--	2,950	--	--	--	1,500	228	--	179,448
Dominican Republic	19,472	165	30,000	1,565	--	2,357	--	--	--	2,500	872	--	56,931
Ecuador	17,190	19,334	--	3,667	1,178	3,212	--	--	--	4,000	531	--	49,112
El Salvador	82,430	281,497	30,100	2,216	--	--	--	--	--	110,000	1,521	--	507,764
Guatemala	34,869	115,020	18,900	3,885	--	3,076	--	--	--	5,000	490	--	181,240
Guyana	--	--	5,700	--	--	--	--	--	--	--	--	--	5,700
Haiti	38,544	35,960	10,000	12,040	--	998	--	--	--	1,000	285	--	98,827
Honduras	41,671	131,786	12,000	3,102	--	5,169	--	--	--	60,000	1,200	--	254,928
Jamaica	17,355	24,925	35,800	513	3,330	2,540	--	--	--	3,000	338	--	87,801
Mexico	--	--	--	--	14,500	--	--	--	--	--	250	--	14,750
Panama	8,385	--	--	--	--	--	--	--	--	2,900	618	--	11,903
Paraguay	--	--	--	--	--	1,958	--	--	--	--	125	--	2,083
Peru	14,250	5,333	20,000	8,386	8,430	--	--	--	--	--	132	--	56,531
Suriname	--	--	--	--	--	--	--	--	--	--	--	--	--
Trinidad & Tobago	--	--	--	--	--	--	--	--	--	--	72	--	72
Uruguay	--	12,152	--	--	--	--	--	--	--	500	202	--	12,854
Venezuela	--	--	--	--	--	--	--	--	--	--	150	--	150
Caribbean Regional	29,745	21,775	--	--	--	3,481	--	--	--	5,000	420	--	60,421
Central American Reg	17,431	2,518	--	--	--	--	--	--	--	--	--	--	19,949
PACAMS	--	--	--	--	--	--	--	--	--	--	2,330	--	2,330
ROCAP	31,267	5,260	--	--	--	--	--	--	--	--	--	--	36,527
LAC Regional (Inc Admin of Justice)	30,754	7,374	--	--	10,111	--	--	--	--	--	2,860	--	51,099
Local Cost Support	8,485	--	--	--	--	--	--	--	--	--	--	--	8,485
Total	436,746	818,460	197,700	45,809	64,967	28,335	0	0	0	200,400	14,529	0	1,806,946
(Central America) *	(240,452)	(683,942)	(76,200)	(9,203)	(0)	(13,789)	(0)	(0)	(0)	(179,900)	(4,157)	(0)	(1,207,643)

* Source: AID, Congresssional Presentations, Main Volume.

FY 1988 U.S. ECONOMIC AND MILITARY ASSISTANCE - ACTUAL OBLIGATIONS

	DA	ESF	---- PL 480 ----		NARC'S	PEACE CORPS	OTHER ECON	IMET	MAP	------ FMS ------		OTHER MILITARY	TOTAL
			TITLE I	TITLE II						(CONC)	(GRANT)		
LATIN AMERICA & CARIBBEAN													
Antigua	--	--	--	--	--	--	--	--	--	--	--	--	0
Argentina	--	--	--	--	--	--	--	50	--	--	--	--	50
Bahamas	--	--	--	--	--	--	--	50	--	--	--	--	50
Barbados	--	--	--	--	--	--	--	--	--	--	--	--	0
Belize	7,400	--	--	--	--	2,572	--	70	250	--	--	--	10,292
Bolivia	29,602	7,820	20,000	14,848	15,000	--	--	400	--	--	--	--	87,670
Brazil	--	--	--	52	2,340	--	--	50	--	--	--	--	2,442
Chile	--	--	--	--	--	--	--	--	--	--	--	--	0
Colombia	--	--	--	65	9,767	--	--	950	3,044	--	--	--	13,826
Costa Rica	11,750	90,000	--	95	--	3,517	--	230	--	--	--	--	105,592
Dominica	--	--	--	--	--	--	--	--	--	--	--	--	0
Dominican Republic	18,612	13,835	20,000	3,339	--	2,495	--	700	550	--	--	--	59,531
Ecuador	14,142	--	--	1,637	1,000	3,722	--	650	--	--	--	--	21,151
El Salvador	70,715	195,006	41,500	12,878	--	--	--	1,500	80,000	--	--	--	401,599
Grenada	--	--	--	--	--	--	--	--	--	--	--	--	0
Guatemala	30,025	79,782	18,000	5,382	--	4,118	--	375	9,000	--	--	--	146,682
Guyana	--	--	6,900	7	--	--	--	--	--	--	--	--	6,907
Haiti	30,530	342	--	7,979	--	674	--	200	--	--	--	--	39,725
Honduras	44,939	85,000	12,000	8,347	--	6,495	--	1,200	40,000	--	--	--	197,981
Jamaica	19,128	--	33,600	1,347	1,900	3,006	--	300	--	--	--	--	59,281
Jamaica Disaster	--	--	--	--	--	--	--	--	--	--	--	--	0
Mexico	--	--	--	3,159	14,500	--	--	225	--	--	--	--	17,884
Nicaragua (NED)	--	--	--	--	--	--	--	--	--	--	--	--	0
Panama	1,103	--	--	--	--	--	--	--	--	--	--	--	1,103
Paraguay	--	--	--	--	--	2,509	--	125	--	--	--	--	2,634
Peru	27,249	500	15,000	15,021	7,500	--	--	400	--	--	--	--	65,670
St. Lucia	--	--	--	9	--	--	--	--	--	--	--	--	9
Suriname	--	--	--	--	--	--	--	25	--	--	--	--	25
Trinidad & Tobago	--	--	--	--	--	--	--	50	--	--	--	--	50
Uruguay	--	--	--	--	--	--	--	125	--	--	--	--	125
Venezuela	--	--	--	--	--	--	--	125	--	--	--	--	125
Caribbean Regional	31,691	1,043	--	--	--	4,366	--	400	1,000	--	--	--	38,500
Central American Reg	24,552	4,933	--	--	--	--	--	--	--	--	--	--	29,485
PACAMS	--	--	--	--	--	--	--	1,875	--	--	--	--	1,875
ROCAP	24,785	--	--	--	--	--	--	--	--	--	--	--	24,785
LAC Regional (Inc Admin of Justice)	29,700	6,498	--	--	6,999	--	--	--	--	--	--	--	43,197
Total	415,923	484,759	167,000	74,165	59,006	33,474	--	10,075	133,844	0	0	--	1,378,246
(Central America)	(215,269)	(454,721)	(71,500)	(26,702)	0	(16,702)	--	(3,375)	(129,250)	0	0	--	(917,519)
(Caribbean)	(99,961)	(15,220)	(53,600)	(12,674)	(1,900)	(10,541)	--	(1,700)	(1,550)	0	0	--	(197,146)
(South America & LAC Reg)	(100,693)	(14,818)	(41,900)	(34,789)	(57,106)	(6,231)	--	(5,000)	(3,044)	0	0	--	(263,581)

FY 1989 U.S. ECONOMIC AND MILITARY ASSISTANCE - ESTIMATED OBLIGATIONS

	DA	ESF	---- PL 480 ----		NARC'S**	OTHER ECON	IMET	MAP	------ FMS ------		OTHER MILITARY	TOTAL
			TITLE I	TITLE II					(CONC)	(GRANT)		
LATIN AMERICA & CARIBBEAN												
Antigua	--	--	--	--	--	--	--	--	--	--	--	0
Argentina	--	--	--	--	--	--	125	--	--	--	--	125
Bahamas	--	--	--	--	--	--	30	--	--	--	--	30
Barbados	--	--	--	--	--	--	--	--	--	--	--	0
Belize	7,600	--	--	--	--	--	100	--	--	--	--	7,700
Bolivia	22,000	25,500	17,000	8,783	10,000	--	400	5,000	--	--	--	88,683
Brazil	--	--	--	1,387	200	--	125	--	--	--	--	1,712
Chile	--	--	--	--	--	--	50	--	--	--	--	50
Colombia	--	5,000	--	98	10,000	--	1,000	6,000	--	--	--	22,098
Costa Rica	8,500	90,000	15,000	78	--	--	230	--	--	--	--	113,808
Dominica	--	--	--	--	--	--	--	--	--	--	--	0
Dominican Republic	18,400	12,150	20,000	6,008	--	--	700	--	--	--	--	57,258
Ecuador	15,800	9,000	--	695	1,000	--	650	4,000	--	--	--	31,145
El Salvador	62,365	206,627	35,000	4,413	--	--	1,400	85,000	--	--	--	394,805
Grenada	--	--	--	--	--	--	--	--	--	--	--	0
Guatemala	33,000	80,524	18,000	11,691	--	--	400	9,000	--	--	--	152,615
Guyana	--	--	4,000	--	--	--	50	--	--	--	--	4,050
Haiti	24,500	--	--	15,271	--	--	100	--	--	--	--	39,871
Honduras	38,000	85,000	12,000	3,299	--	--	1,100	40,000	--	--	--	179,399
Jamaica	14,800	25,000	40,000	1,665	1,000	--	300	3,500	--	--	--	86,265
Jamaica Disaster	35,000	--	--	--	--	--	--	--	--	--	--	35,000
Mexico	--	--	--	4,751	15,000	--	225	--	--	--	--	19,976
Nicaragua (NED)	--	2,000	--	--	--	--	--	--	--	--	--	2,000
Panama	--	--	--	140	--	--	--	--	--	--	--	140
Paraguay	--	--	--	--	--	--	125	--	--	--	--	125
Peru	14,500	2,000	15,000	7,745	10,000	--	520	1,500	--	--	--	51,265
St. Lucia	--	--	--	--	--	--	--	--	--	--	--	0
Suriname	--	--	--	--	--	--	25	--	--	--	--	25
Trinidad & Tobago	--	--	--	--	--	--	40	--	--	--	--	40
Uruguay	--	--	--	--	--	--	125	--	--	--	--	125
Venezuela	--	--	--	--	700	--	125	--	--	--	--	825
Caribbean Regional	18,500	10,200	--	--	--	--	340	500	--	--	--	29,540
Central American Reg	24,495	9,650	--	--	--	--	--	--	--	--	--	34,145
PACAMS	--	--	--	--	--	--	2,100	--	--	--	--	2,100
ROCAP	22,000	--	--	--	--	--	--	--	--	--	--	22,000
LAC Regional (Inc. Admin of Justice)	29,372	10,192	--	--	7,000	--	--	--	--	--	--	46,564
Total	388,832	572,843	176,000	66,024	54,900	--	10,385	154,500	0	0	--	1,423,484
(Central America)	(195,960)	(473,801)	(80,000)	(19,621)	0	--	(3,230)	(134,000)	0	0	--	(906,612)
(Caribbean)	(111,200)	(47,350)	(60,000)	(22,944)	(1,000)	--	(1,510)	(4,000)	0	0	--	(248,004)
(South America & LAC Reg)	(81,672)	(51,692)	(36,000)	(23,459)	(53,900)	--	(5,595)	(16,500)	0	0	--	(268,818)

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